FARMWORKER ORGANIZING IN U.S. AGRIBUSINESS: SYMBOLIC POWER PAVES THE PATH TO DIGNITY

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ABSTRACT

Farmworkers have struggled for the recognition and respect of their labor rights throughout U.S. history. Under the doctrine of agriculture exceptionalism, labor and immigration policies have disenfranchised agricultural workers, exposing them to violence. Agribusiness restructuring and financialization have strengthened these barriers. Through interviews and secondary research, this paper analyzes the United Farm Workers, Coalition of Immokalee Workers, and Familias Unidas por la Justicia. These three farmworker organizations stand out for achieving substantial and enduring improvements in employment terms and conditions. I argue that symbolic power underpins their success. By countering normalized violations of fundamental human and labor rights with internal and public assertions of farmworkers' humanity, they sharpened tactics of strikes, boycotts and political advocacy sufficiently to contend with agribusiness's extraordinary political power. The process by which farmworkers organizations have established enforceable labor standards may provide lessons for workers in other sectors characterized by insecure and unstable employment.

BIOGRAPHICAL SKETCH

Matthew Fischer-Daly is a M.S./Ph.D. student at the School of Industrial and Labor Relations at Cornell University. His research interests include labor relations in agriculture and global accumulation networks, precarious employment relations, and labor empowerment strategies. He received a B.A. in political science and Spanish literature from the University of Michigan and an M.A. in international economic policy from the School of International Service at American University. Thereafter, he worked at Social Accountability International and as the Cotton Campaign coordinator at the International Labor Rights Forum.

To the dignified women and men who work in the agricultural fields of the United States.

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TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

INTRODUCTION

As precarious work expands globally, the achievements of highly precarious workers to build enduring institutions that improve terms and conditions of their employment call our attention. The International Labour Organization (ILO) estimates that 40 million people are subjected to modern forms of slavery, and 42 percent of all workers have informal, uncertain and unpredictable employment – the definition of precarious work (ILO 2018; Kalleberg 2009). Precarious work implies disempowerment at work and in political and social life (Castel 2000). Among industries, agriculture remains one of the most dangerous occupations (ILO 2019). Violations of the fundamental human rights of workers in United States commercial agriculture remain pervasive. The U.S. farmworkers who have achieved enduring improvements, shifting from precarious to dignified employment, thus offer strategic lessons. Furthermore, the invisibility of farmworkers is a primary contributor to their abuse, while making themselves visible has been central to their achievement of dignity. Farmworkers' strategies to improve terms and conditions are thus the subject of this paper.

Herein, I argue that how far workers may improve their position depends on the structural and political power balance between them and capital in a particular conjuncture, and their capacity to sustain the tight representational ties between workers and their organizations' leaders, on which effective use of symbolic power depends. The absence of rights protections enables the violence experienced by precarious workers, in both the overt and structural forms, *e.g.* physical coercion and super-exploitative remuneration.[1] Simultaneously, the impediments to profit accumulation in agriculture intensify agribusiness employers' focus on low labor costs, the

[1] Super exploitation refers to paying workers less than the costs of the basic necessities for reproducing their labor power (Selwyn 2017: 38-39).

factor that they have been able to control with the help of the state. As the farmworkers studied in this paper demonstrate, precarious workers can improve the terms and conditions of their social position by developing solidarity among themselves and with diverse allies, consensus-shifting processes that depend on adept use of symbolic power. Symbolic power here refers to the ability to use the "instruments of knowledge and communication" to construct "a consensus on the meaning of the social world, a consensus which contributes fundamentally to the reproduction of the social order" (Bourdieu 1991: 170), *i.e.* an ideology or "common sense" (Gramsci 1971).

The importance of symbolic power emerges from this study's analysis of three of the most successful worker collective actions in U.S. agribusiness history. Against a long historical fixity in which farmworker organization has been violently suppressed and thus only temporarily successful, the improvements in employment relations in U.S. agriculture achieved by the United Farm Workers (UFW), Coalition of Immokalee Workers (CIW), and *Familias Unidas por la Justicia* (FUJ)[2] stand out. Using data primarily from interviews of participants in each farmworker organization and secondary sources, I compare the three organizations and contextualize their struggles in the particular political-economic characteristics of their industry. Analysis of their strategies highlight the mediating role of symbolic power in their construction of associational power and capacity to act collectively and compel employers to negotiate employment improvements.

The UFW, CIW, and FUJ stand out from the history of organizing efforts and the current position of precariousness of the vast majority of workers in U.S. agribusiness. Farmworkers enjoy no state protection of their rights to physical safety or to sell their labor freely to an employer, much less the internationally recognized labor rights of freedom from coercion and

[2] Translates from Spanish into English as Families United for Justice

discrimination, and to unionize and collectively bargain.[3] U.S. farmworkers in the United States suffer from exposure to agrochemicals (Holmes 2013), and, according to the Environmental Protection Agency's conservative estimate, an estimated 20,000 farmworkers suffer acute pesticide poisoning each year (Farmworker Justice 2013). While precise figures are inherently difficult, studies of sexual assault and harassment have consistently found the majority of female farmworkers in the country have experienced such abuses (Morales Waugh 2010; SPLC 2010; HRW 2012). Wages averaged $12.47 per hour in 2017 (USDA 2019), while average annual income for the seasonal work ranges from $15,000 to $17,499 (USDOL 2016). The threat of deportation and dependence on employers chills farmworkers from standing out. Between 50% (USDOL 2016) and 70% (Newman 2011) are undocumented, and a growing number are employed through the H-2A visa program, which firmly ties workers to a single employer. Due to agriculture's exclusion from the National Labor Relations Act, farmworkers' rights to freedom of association and collective bargaining are not protected nationally, while only California provides state-level protection of the full extent of these rights.[4] The national Fair Labor Standards Act (FLSA) excludes farmworkers from rights to overtime pay, many child labor protections, and, at small farms, minimum wage protection. Despite the dangerous nature of farm work, state-level workers' compensation laws prevent the majority of farmworkers from accessing replacement wages by requiring documentation to qualify and cut off H-2A workers when they return to their home countries (Farmworker Justice 2019; SPLA 2013: 25).

[3] ILO fundamental conventions…

[4] There are ten states that provide some degree of statutory protection of collective bargaining. Five (Arizona, California, Idaho, Kansas, Maine) have separate labor laws for agriculture. Except California, all exclude employees of independent contractors among other employees, and most include a minimum number of employees. Three permit strikes; Maine prohibits strikes; and Kansas prohibits strikes during critical periods (harvest, production, livestock marketing). California requires union elections within 48-hours of a strike if workers are seeking collective bargaining, which reduces time elapsed. Five (Louisiana, Massachusetts, Nebraska, Oregon, Wisconsin) include agriculture in general labor laws on collective bargaining. Wisconsin requires 10-day notice of strikes by agricultural production workers, and Oregon limits picketing to "regular employees."

To a degree, farmworkers' disempowerment reflects their position in an industry that piques employers' interest in labor being treated as a commodity. Agribusiness demands a large amount of manual labor to harvest perishable crops quickly during an approximately predictable but weather-dependent time period (Jamieson 1945; Fuller 1955; Mann and Dickinson 1978). This valorization challenge raises the question for investors of how to profit from agriculture and, for public policymakers, how agriculture might contribute to capital accumulation in other economic sectors.[5] Returns on investments in production have only become more volatile, due to increased market power of input suppliers and output buyers. This market pressure on the farm squeezes capital from production. As an industry, U.S. agribusiness has overcome the valorization challenge by leveraging the government's interest in economic growth, on which its legitimacy depends.

U.S. agribusiness has thus always worked with the national state to limit the possibility of workers exercising economic or political power. From the founding of the country, the government has maintained a *de facto* commitment to agribusiness that the process rights guaranteed to workers in non-agricultural industries—both the political right to participate in lawmaking and economic right to collectively withhold labor—would be denied to people it employed. Reliant on the social constructs of race, gender and nationality to differentiate potential denizens from rights-bearing citizens, this commitment finds it origins in the institutions of slavery and indentured servitude that precluded or limited the rights of labor in the tobacco and cotton sectors. Following abolition, U.S. agribusiness and the state preserved this system through the introduction of legal segregation and prison labor, institutions preserved well

[5] These are two of three 'agrarian questions' first raised by Karl Kautsky (1899/1988), the third being the political orientation of people involved in agriculture. Kautsky argued that capital-intensive capitalist agricultural production would expand, and Alexander Chayanov (1924/1986) responded that peasants disinterest in accumulation, use of a self-exploitative mode of production, and linkage between size of families and landholdings predicted non-capitalist agricultural production would continue. Teodor Shanin (1971; 1977) and Tanya Li (2014:2-29) argued that a peasant mode of production mediates the expansion of capitalism into agriculture.

after immigrant workers of European heritage gained adequate power to establish the protections of their collective-bargaining rights under the NLRA. By the time African-Americans succeeded in forcing the government to establish formal protection of their civil, political and economic rights, agribusiness had already developed key state-orchestrated and -permitted mechanisms to access a denizen labor force: the guest worker program and undocumented labor supply. In contemporary U.S. agribusiness, outright coercion—ranging from explicit enslavement to physical abuses—continues. Where physical coercion is absent, consent of workers in the industry is relative, given the destruction of alternative livelihoods that pushes many to seek employment in U.S. agribusiness[6] and their political disenfranchisement as immigrants. These direct and indirect processes together produce a denizen labor market for agribusiness.[7]

While agribusiness is focused on profitability, the motivations for U.S. government policy towards agribusiness relate to the state's interest in the sector's political orientation and contribution to other sectors. Any government depends on legitimacy, and food production is particularly important for legitimacy.[8] The government needs industry to produce sufficient capital to support its performance of functions such as defense, police, infrastructure provision, and enforcement of the particular property relations mode in which investors in the production process retain rights over the product. This general imbrication of state and capital interests is woven tighter in agribusiness, given the alternative forms of food and fiber production depend

[6] Examples of the processes of forceful dispossession of people from land and means of reproduction (in Karl Marx's sense of primitive accumulation) abound in primary sending countries of immigrant workers to U.S. agribusiness. For example, a corporatist class compromise was shattered in Guatemala by the 1954 U.S.-backed overthrow of Jacobo Arbenz and subsequent support for a military engaged in genocide peaking in the 1980s; and in Mexico, unprecedented U.S. interest rate adjustments triggered the Mexican debt crisis and subsequent structural adjustment programs, reinforced by the North American Free Trade Agreement, in which an estimated 4.9 million farmers lost their land (Weisbrot *et.al*. 2014).

[7] Denizen refers to the lack of legal protection of internationally-recognized labor rights.

[8] Together, surplus accumulation within agribusiness, contribution to surplus accumulation in other economic sectors, and political allegiance of actors within agribusiness are known as the agrarian questions, first presented as such by Karl Kautsky (1899/1988).

less on the state and yield less profit. Under a peasant mode of production, a multitude may retain self-sufficiency, less dependence on wages, and autonomy from government. In contrast, under a capitalist mode of agricultural production, investors of capital depend on the government for protection of investments, including in land and labor, while workers depend on the capitalists for wages and, ostensibly, the government for protection from coercion.[9] Additionally, agribusiness has been organized to support capital accumulation across all industries by providing cheap enough food that employers can pay lower wages to secure adequate labor (Friedmann and McMichael 1989).

Given government's dependence on constituents' and agribusiness's dependence on consumers' perception of legitimacy, the contradictions between a denizen labor market and national values of freedoms are mitigated by making farmworkers and their treatment as invisible as possible. Agricultural exceptionalism refers not only to exemptions from labor laws but the social ostracization of farmworkers. For farmworkers in U.S. agribusiness, then, developing capacity to influence employers and the state depends on symbolic power. That is, to improve employment relations, farmworkers must make themselves visible, expose the abuses they endure, and propose a new social consensus. This is a process of building associational power, the forms of power that come with organizing (Wright 2000). Farmworkers first build solidarity internally, *e.g.* removing the wedges of patriarchy, racism, and xenophobia used to divide and control workers. They then communicate their humanity to build alliances with not-directly affected citizen-consumers, who have the purchasing power to buy or boycott particular companies and political power to vote for particular laws and lawmakers. It is adequate

[9] This is the reason that political economists across the political spectrum concerned themselves so greatly with agriculture. Whereas socialist Russia awaited capitalist expansion into agriculture to advance history towards communism, liberal U.S. government and eventually allies in the European Union led the "development project" to expand capitalist agriculture. Philip McMichael (2000) details the "development project" in the post-World War II era, its political, economic and social dimensions of the project further elaborated in Raj Patel (2012).

associational power that positions them to use a combination of strikes, boycotts, public demonstrations, and law-enforcement activities to gain leverage over employers. With sufficient leverage, the farmworkers' organizations studied established enforceable agreements with companies regulating employment relations. All three have also sought to influence government action, with varying approaches that reflect their particular political contexts. In their processes of developing organizations internally, building alliances, and influencing company and state actors, the UFW, CIW, and FUJ have wielded symbolic power, conveying the message that one participant summarized as their "radical demand for dignity."

This study aims to contribute to understanding of the three organizations and labor relations in U.S. agribusiness. Given the extent of precarious employment globally, their strategies also offer insights for employment relations more generally. Building upon prior labor and sociological studies of farmworker organization and the agribusiness sector, the comparative approach of this study is enhanced by the inclusion of the newer FUJ, enabling a broader understanding of worker strategy. The paper proceeds as follows: discussion of the literature towards an explanation of farmworkers' bargaining power; the study's methodology, findings on the levels of outcomes, tactics, and the context; discussion of the findings; and conclusion.

LITERATURE REVIEW: TOWARDS A THEORY OF SOCIAL POWER IN AGRIBUSINESS

As the task of a study is to explain the "dialectic between change and fixity" (Mitchell 2012:7), the literature reviewed presents first the continuity of commercial agriculture in the United States extracting financial value from labor. Labor's collective action has developed in

interaction with that of agribusiness, the accumulation of surplus value through the organization of cultivation, sale, and marketing of crops, fibers and livestock. Extraction of value occurs on two levels. At the level of production, labor scholar have studied the struggles of labor to improve conditions vis-à-vis resistant management supported by government, identifying the potency of strikes and boycotts in labor struggles with agribusiness as well as highlighting the exclusion of workers in the sector from collective bargaining and other labor laws. Many of these studies also emphasize the role of immigration laws, identifying the laws and norms that ensure agribusiness access to denizen labor. At the level of circulation and consumption, development sociology studies have identified the overlapping interests of agribusiness and the national state, oligopoly power and prioritization of finance as determinant characteristics of the industry. On immigrant labor, some of these studies identify the creation of conditions that push people to work in the industry despite its precarious employment conditions. Where sociological studies expose the created context in which labor and management encounter each other, labor studies illuminate how each develops its bargaining power with respect to the other party. Left with the puzzle of power development, the concepts of symbolic power and hegemonic struggle are introduced. Through widening the gaze to encompass the particular site of workers' struggles and the general social context, we can observe and analyze the "relations of force" (Gramsci 1971/1992: 180) in the cases of UFW, CIW, and FUJ, and how such relations reproduce new relations and conjunctures.

Value Creation in Production

At the site of production in U.S. agribusiness, labor has organized and engaged in collective action yet generally achieved fleeting, if any, gains. Labor has instead encountered an alignment of the state with agribusiness to deny them fundamental rights. The assessments of Howard Kester, Southern Tenant Farmers Union (STFU) organizer and documentarist, and W.E.B. DuBois set the action-response dynamic in its U.S. historical context. Prior to the Thirteenth Amendment, the enslaved people who comprised the majority of agribusiness labor revolted, taking the Haitian revolution as inspiration, but "a vigorous and determined slave had to run away to freedom" (Du Bois 1935). Since, labor's challenge has remained daunting, for "[m]en do not freely relinquish power and control over the lives of other men…[p]articularly…where landlords and planters completely dominate…[w]hatever rights sharecroppers and tenant farmers achieve they will win by their own efforts" (Kester 1997: 93-94). Their assessments point to the role of the state in employment relations in the sector.

Many scholars have documented the lack of legal protections of the rights of workers in U.S. agribusiness. There are multiple dimensions of the role of the state, including labor laws, immigration policy, and impunity of violence towards farmworkers. Researchers have highlighted the lack of labor laws regulating the sector (Jamieson 1945; Lichtenstein 1997; Bronfenbrenner 1990; Perea 2011). As "[f]arm wage rates were ground between the upper and nether millstones of low farm prices and increasingly severe competition for jobs" (Jamieson 1945: 15), the New Deal legislation provided support for agribusiness, the Agricultural Adjustment Act (AAA) of the National Industrial Recovery Act, and non-agricultural labor, National Labor Relations Act (NLRA) and Fair Labor Standards Act (FLSA). The STFU sued and lobbied for enforcement of the AAA provision prohibiting evictions of tenants and sharecroppers by landowners reducing cotton production, and the U.S. Department of

Agriculture (USDA) simply refused to enforce the law, permitting mass evictions (Jamieson 1945: 307-308). The South's "economic dependence on cheap, degraded labor and the political system to preserve it" entailed forceful political disenfranchisement to sustain elites representing planters, timber and coal-mine owners as the dominant force in the Democratic Party, which "controlled the purse strings of Roosevelt's New Deal coalition and often exerted influence to check any reform that might threaten genuine social change" (Lichtenstein's 1997: 34-35; Perea 2011). As Juan Perea (2011) documented, the New Deal statutory exclusion of agricultural and domestic workers was "a race-neutral proxy for excluding blacks from statutory benefits and benefits" is the consensus view; what is more startling is that three-quarters of a century later, the exclusions continue "to create and preserve racial caste."

Just as the political process that resulted in the exclusion of farmworkers from federal labor laws reflected agribusiness's political power, the industry effectively set the policy on immigration. Within four years of the 13th Amendment making slavery illegal, the U.S. government established a foreign-labor recruitment program to ensure agribusiness an "adequate, *i.e.* readily exploitable, reserve of cheap and efficient labor" (McWilliams 1935/1971). Chinese people accounted for 75% of California farmworkers by 1882, when U.S. Congress passed the Chinese Exclusion Act. While farm owners lacked the political power to avoid the cutoff of rights-less Chinese immigrant workers, by 1885 the U.S. government brought to their aid a supply of workers from Japan and British colonial India. J.L. Nagle, member of the California Fruit Growers Exchange, conveyed an employer's strategy, "The Japs and chinks, just drift – we don't have to look out for them. White laborers with families, if we could get them, would be liabilities" (quoted in McWilliams 1935/1971: 107). From some employers' perspective, people from India provided a "wedge to separate the Mexican and Oriental groups" (McWilliams

1935/1971: 118; Martin 2003). While people from Mexico immigrated for work following the breakup of the feudal *hacienda* system in the 1910 Revolution (Galarza 1964), it was not until the Immigration Act of 1917 thoroughly disenfranchised new immigrants and the first "bracero program of 1917-1921 that they became a significant part of the U.S. agribusiness labor market (Martin 2003).

However, it was the second Bracero Program (1942-1964) that established the dominance of immigrant labor in U.S. agribusiness and on-demand labor supply as a fixture of the industry. In the 1930s, depression-driven unemployment, government-sponsored crop reductions, drought and technological change contributed to a "chronic surplus agricultural-labor supply" and displacement of "small and medium-sized farms" (Jamieson 1945). At the same time, oligopolies emerged as the operators of the "factories in the fields," signaled by Sunkist's 75% market share of California citrus by mid-decade (McWilliams 1935/1971; Mitchell 2012: 17). With the World War II mobilization providing the pretext, industry representatives lobbied effectively for the terms of the Bracero Program. Agricultural Labor Bureau of the San Joaquin Valley, California representative G.W. Guiberson articulated the position to Congress in 1939, stating, "We are asking for labor only at certain times of the year – at the peak of our harvest – and the class of labor we want is the kind we can send home when we get through with them" (Mitchell 2012: 15). Retaining their now historic use of racism, employers argued that the "racial fitness of certain groups to do stoop labor or their [in]ability to appreciate an 'American standard of living'" justified denial of rights and needs to farmworkers, increasingly immigrants (Mitchell 2012: 45). The Bracero and subsequent H-2A program legally bound workers to their employer, permitting employers control, including to set the so-called "prevailing wage" or "adverse effect wage rate" lower than the socially necessary wage to live in the country. Indeed, the 1951

President's Commission on Migratory Labor wrote of employers' wage-fixing capacity, "whether the wage agreed upon is sufficient to attract the labor supply needed is apparently not usually considered an important factor in making the decision" (quoted in Mitchell 2012: 92). The effect has been to squeeze out domestic workers and reify the 'labor shortage' claimed by agribusiness to gain Congress's approval of each Bracero Program, the H-2, and H-2A programs (Galarza 1964; Mitchell 2012).[10]

From the first Bracero Program through the current H-2A program, agribusiness has deepened its dependence on workers without protected rights, whether they are authorized by the U.S. government to work or not. In its latest National Agricultural Workers Survey (NAWS), the U.S. Department of Labor (2016) reported that a third of workers were U.S. citizens, and that 48% of all farmworkers did not have work authorization from the government. Farmworker advocates estimate that 70% of the 2.5 million workers in U.S. agribusiness are undocumented (Newman 2011). Since 1986, participation in the H-2A guest worker program is the only legal means for immigrant guest workers to work in United States agriculture. Between 2006 and 2017, the number of workers hired and transported to work in U.S. agriculture through the H-2A program increased 160% to more than 160,000 workers (Martin 2017).

The H-2A program, presented by supporters as a formalization process of employing immigrants to fill a labor shortage in U.S. agriculture, in practice denies workers the capacity to sell their labor to the employer of their choosing. The program codifies worker dependency on

[10] The governments of the United States and Mexico signed the first Bracero Program agreement in 1917, ended it in 1920, followed by unauthorized hiring until a new bilateral agreement 1942-1947 established the more expansive Bracero Program. The U.S. Congress extended the Bracero Program until 1964, and passed Public Law 45 in 1947, then Public Law 78 in 1951, which foreshadowed the Immigration and Nationality Act of 1952 that authorizes the US government to issue nonimmigrant visas to foreigners, including the H-2 visa for temporary or seasonal work (Pub. L. No. 82-414, § 101(a)(15)(H)(ii), 66 Stat. 163, 169 (1952)). The law stipulated the Department of Labor to review employers' applications for visas and certify those applications that comply with the three provisions listed above. The Department of Labor issued the first H-2 labor certification regulations in 1964, which restated verbatim the terms of the standard work contract of the 1942-1964 Bracero Program. The program functioned as such until the Immigration and Control Act of 1986 established the H-2A visa, specific to agricultural labor. (Geffert 2002)

the employer to work at all in the United States. At their discretion, employers may send an H-2A worker back to their country of origin. Thus, critics of the program describe it as unfree labor (Geffert 2002; Guerra 2004; Cortes 2006; Schmitt 2007; Stockdale 2013). Studies of the H-2A program further identify abuses in the recruitment processes, which too often amount to human trafficking and *de facto* deny workers' access to justice (Schmitt 2007; Newman 2011), super-exploitation of workers while under the program – despite its protections on paper (Martin 2008; Coenen 2018), and ostracization of H-2A workers (Izcara Palacios and Andrade Rubio 2011; Izcara Palacios 2012). The so-called 'guest worker' programs for U.S. agribusiness corroborate the argument by Michael Burawoy (1976) that migrant labor is premised on the externalization of labor reproduction beyond the boundaries of the jurisdiction under which the employer might be held accountable for contributing to it.

In addition to exclusions from protective legislation, the U.S. government has also directed and tolerated violence towards farmworkers. Across the history of farmworkers organizing in the country, there is a clear pattern of state use of force and tacit permission of para-state force towards farmworkers. The violence has taken both overt and less conspicuous forms, all degrading farmworkers' lives.

Between the 1880s and 1940s, hundreds of thousands of farmworkers participated in hundreds of strikes across the country, and in some cases formed unions (*e.g.* OK Renters Union, Working Class Union of the World, Sheep Shearers Union of North America), but most were ended by the use of physical force by growers and government officials (Jamieson 1945:9). In 1903 the American Federation of Labor (AFL) announced plans to organize farm workers but did not implement the plan out of fear that agribusiness would use its political power to restrict all union activity (Martin 2003: 59). The same year, 500 Japanese and 200 Mexican workers

united as the Japanese-Mexican Labor Association (JMLA) struck the Oxnard family's American beet Sugar Company, demanding payment of promised wages, an end to subcontracting, and permission for workers to buy goods anywhere and thus avoid company-store prices. The labor contractor Western Agricultural Contracting Company, which controlled 75% of the workforce in the area, agreed to a wage increase and changes in the contracting system after a shooting, reportedly by white growers, left one worker dead and two others injured. Yet when JMLA secretary J.M. Lizarras applied for an AFL charter, federation president Samuel Gompers demanded no Japanese or Chinese members, a condition Lizarras rejected (Kim 1999).

The Industrial Workers of the World (IWW) led the first national union organizing effort in the sector, in 1915 chartering the Agricultural Workers Organization (later renamed the Agricultural Workers Industrial No. 11), with most activity in the grain farms of the Midwest, large vegetable and fruit farms of California and the Pacific Northwest (Jamieson 1945: 11). Federal government opposition to the IWW and organization of immigrant labor for agribusiness from Mexico and the Philippines, and emerging employers' associations' provision of wage-fixing labor recruitment services effectively suppressed the unionization efforts (Jamieson 1945: 11-12). Already in 1913 the IWW efforts were curbed. In what became historicized as the "Wheatland hops riot," hop grower Durst solicited 1,300 workers, cut the wage rate when 2,800 showed up, and called the sheriff when the workers struck, a confrontation that resulted in two workers, a deputy sheriff and district attorney killed; no contract, replacement workers conducting the harvest; and IWW leaders jailed (Martin 2003:60).

In the South, Jamieson (1945: 332-333) reported to the USDOL that the "social structure…was not one in which labor unions could develop effectively," due to Jim Crow laws,

the absence of legal recourse, and violence by the Ku Klux Klan. African-Americans organized as the Progressive Farmers and Householders Union of America, a dues-paying membership union aimed at ending the sharecropping system and “advancing the intellectual, material, moral, spiritual, and financial interests of the Negro race” (quoted in Jamieson 29145: 304). In an event known as the “Elaine Massacre, vigilante whites killed at least 100 members in attacks against the union that also resulted in five vigilantes killed, twelve unionists sentenced to death, and another 80 imprisoned (Jamieson 1964: 304). The Southern Tenant Farmers Union (STFU) was another organization at the center of violent struggle in agribusiness.

The STFU was “[a] union of tenants, croppers, and laborers was by its very nature a threat to the plantation system. In seeking to release these groups from dependence upon the planter and to give them a voice in renting and sharecropping contracts, the movement was 'revolutionary' and treated as such. Not only was the plantation system being menaced, but the biracial relationship of social classes was also being upset through the Negro's 'getting out of his place.' Hence the union soon faced violent suppression from growers and local authorities, aided by other resident whites" (Jamieson 1945: 299). Throughout the 1930s, the STFU organized “25,000 black men, white men, Indians and Mexicans in six southern states of the mid-South and Southwest,” convinced that, as Ike Shaw, an elderly African-American man argued, “'For a long time now the white folks and the colored folks have been fighting each other and both of us has been getting whipped all the time. We don't have nothing against one another but we got plenty against the landlord'” (quoted in Kester 1997: 56-57; Mitchell 1973: 352). In 1935, STFU organizer and Methodist Ministry Ward Rodgers was jailed for addressing fellow unionist E.B. McKinney as “mister,” then a crime when addressing an African-American. The same year STFU led cotton pickers in a successful 10-day strike to increase piece-rates from 40 to 75 cents

per 100 pounds, but a year later an attempt to reach $1.50 failed when the Arkansas governor sent the militia and broke the strike (Mitchell 1973: 357-8). With direct and implicit support from the state, agribusiness crushed the STFU. In 1935 NBC radio journalist Norman Thomas returned from a visit and reported, "There is a reign of terror in the cotton country of Arkansas…For the sake of peace, liberty and common human decency I appeal to you who listen to my voice to bring immediate pressure upon the Federal Government" (Kester 1997: 85). In the spring of that year, vigilantes beat, lynched, shot, and threatened to blow up the homes of STFU activists and their families, and the state did not investigate the cases (Kester: 1997: 70-85).

The direct repression of farmworker organizing continued through at least the 1990s, as will be detailed in the findings section on the UFW and CIW. Structural violence characterizes—and is normalized in—U.S. agribusiness. As Seth Holmes (2013: 44) described it, structural violence encompasses "the violence committed by configurations of social inequalities that, in the end, has injurious effects on bodies similar to the violence of a stabbing or shooting…what the English working men described by Friedrich Engels called 'social murder.'" Economic super-exploitation, in Selwyn's (2016: 39) sense of wages below the cost of reproducing labor-power is one dimension of structural violence against U.S. farmworkers. Thus, Jamieson highlighted the "[p]recariously low economic level" to explain the collective action by farmworkers, tenants, and small farmers in the late 19th and early 20th Centuries (Jamieson 1945: 8-9). Since mid-twentieth century, average farmworker wage incomes have been a quarter of non-farm labor earnings, and the farm-to-nonfarm wage differential has only surpassed 50% for three years, 1974-1977; this exception is likely explained by the efforts of the United Farm Workers (UFW) to represent tens of thousands of farmworkers under 90 collective bargaining agreements (CBAs) and the passage of the Agricultural Labor Relations Act (ALRA) shocking

some employers into raising wages to avoid unionization (Martin 2003). As of 2016, the USDOL NAWS report estimated farmworkers' mean incomes ranged $15,000-$17,499, median $12,500-$14,999, and 62% of farmworker households' total income was below $30,000.

The degradation of farmworkers' bodies from exposure to toxic agrochemicals, harsh weather, and strenuous physical labor is another dimension of the structural violence in the sector. Half to one-third of agricultural workers *report* chronic symptoms associated with pesticide exposure – headaches, skin and eye irrigation, flu-like syndromes (Holmes 2013: 100-102). Health researchers have documented elevated incidence of health problems among migrant and seasonal farmworkers of shocking scope: malnutrition, anemia, hypertension, diabetes, dermatitis, fatigue, headaches, sleep disturbances, anxiety, memory problems, sterility, blood disorders, dental problems, kidney and liver abnormalities, urinary tract and kidney infections, heat stroke, ascariasis, encephalitis, leptospirosis, rabies, salmonellosis, tetanus and coccidioidomycosis (Holmes 2013: 100-102). The interaction of overt and structural violence reflects the position of disempowerment of farmworkers, what many have described as unfree labor.

Immigrant farmworkers, the majority of the U.S. agribusiness workforce, are unfree "in the sense that they have various restrictions placed on their ability to sell their labor power" (Dias-Abey 2018). The restriction of the mechanism by which workers satisfy needs and lack of access to remedy for violations of fundamental human rights are indicators of the lack of freedom of most farmworkers (Miles 1987; Hahamovitch 2011; Strauss 2012; Clark 2016). Under the H-2A program, the employer may retaliate against a worker for any reason by termination and thus deportation. A worker without documentation is at all times, at work and off-work, under threat of deportation. Thus, somewhere between half and 70% of U.S.

farmworkers (depending on official or advocate estimates) are working in conditions that the International Labour Organization (ILO) has defined as forced labor.[1112] Waged bodies are both a solution and problem for capital, leading employers to seek labor power whose reproduction costs they do not have to pay (Henderson 1998; Mitchell 2012).

U.S. agribusiness has thus always worked with the state to limit the possibility of workers gaining power. The limits have varied in form. With the institution of slavery, the state supported employers' maximum control over workers legally codified as commodified property; with forced labor, the state permits employers to use coercion to extract labor power; with prison labor, time-bound denial of rights permits the use of coercion; with immigrant labor, formal denial of political and economic rights facilitates coercion; and with exclusions from or under-enforcement of labor laws, the state supports the super-exploitation of labor by employers insomuch as they can profitably replace any given worker with another or machinery. These formal and informal mechanisms can be understood as the organization of a denizen labor market.[13]

Given the role of the state, many scholars have focused on the extension of labor laws, particularly collective bargaining rights to workers in the sector (McWilliams 1935; Jamieson 1945; Fuller 1955; Lichtenstein 1997; Bronfenbrenner 1990; Perea 2011). Industrial relations scholar Varden Fuller articulated the argument as a coordination issue. He observed that agribusiness's demand for labor to harvest perishable crops quickly to be sold for low prices

[11] The ILO defines forced labor as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself [or herself] voluntarily" (Convention No. 29, Article 2.1), and has clarified that "under menace of penalty" "should be understood in a very broad sense: it covers penal sanctions, as well as various forms of coercion, such as physical violence, psychological coercion, retention of identity documents, etc. The penalty here in question might also take the form of a loss of rights or privileges" (ILO 2012: 270-271).

[12] Such an estimate would not account for the growing prison labor market to which agribusiness has increasingly turned as the U.S. government has simultaneously increased incarceration and removed regulations on corporate outsourcing of production to prisons since the 1970s (Zatz 2008; Benns 2015).

[13] Denizen refers to the lack of legal protection of internationally-recognized labor rights.

suggests a potential alignment of employers' interests with labor's interest in wages, yet concluded that the absence of state protection of collective bargaining impeded such coordination (Fuller 1955). Scholars of the New York State College of Agriculture and Life Sciences, College of Human Ecology, and School of Industrial and Labor Relations at Cornell University (Daniel *et.al*. 1991) recommended that the state grant farmworkers collective bargaining rights "in the interest of equity and fairness," "ending the legal discrimination," and establishing "the same rights and protections as nonfarm employees." When California passed the Agricultural Labor Relations Act (ALRA) in 1975, some scholars (*e.g.* Jeff Lewin 1976) incorrectly predicted it would lead to expanded collective bargaining in the sector. Others have cautioned that the NLRA and ALRA have both liberating and co-optative effects on labor's power, by situating the state as the intermediary (Majka and Majka 1982). While important, the discussion of extension of laws to regulate employment relations in agribusiness does not explain how this might proceed. The extent of the challenge is evident when we shift our gaze from production to circulation and the interrelationships throughout the agribusiness industry that set parameters for labor relations at the farm.

Value Creation Through Circulation

The profitability of investment in agriculture, the agricultural sector contribution of capital to other sectors, and the political implications of various organizations of agriculture have shaped the relationships between business and the state in the sector since Karl Kautsky clarified these social questions (1899/1988). Kautsky expected that financialization of agriculture would overwhelm peasant farmers' high-work/low-consumption advantage with capital-intensive

technologies, creating marked class differentiation in the sector. Alexander Chayanov (1924/1986) argued against the rural differentiation thesis by proposing that consumption, not accumulation, motivates peasant production. Teodor Shanin synthesized the approaches to argue that the peasant mode of production mediates the expansion of capitalism into agriculture, an observation also made found by Li (2014: 2-29). Offering a theory for the political orientation of the agricultural sector, Brenner (1976) and Ellen Meiksins Wood (2002) convincingly argued that social relations and class struggle—not commercial or demographic changes—drive transitions in the organization of economic, political and social relations. These debates illuminate the relations between the multiple layers of companies in agribusiness and their interactions with labor and the state.

The first question of agriculture's profitability refers to the spatial and temporal limitations to profit, an observation that scholars make from diverse approaches to labor relations in agriculture. The valorization of capital invested in agriculture is constrained by disconnects between production (long, location-specific, and primarily nature-controlled), peak labor demand (short and human-controlled), and sales (location dispersed and determined by macro- and micro-economic conditions) (Jamieson 1945: 7; Fuller 1955; Mann and Dickinson 1978). Clarifying the point, Mitchell (2012:44-47) explained that fixing capital in a farm, a "built landscape," entails risks of devaluation of that constructed environment over the relatively long-term (*e.g.* soil erosion) and of the crop over the relatively short term of a single harvest, due to price changes, diseases, pests, weather. Thus agribusinesses seek to ensure that labor is a "variable cost," as close to a commodity as possible, in order to mitigate the risks involved in valorizing their investment (Fuller 1939; Jamieson 1945; Mitchell 2012). Jamieson (1945:7) noted the importance of relations between the farm and other companies in agribusiness: "This

was the case particularly when other farm costs— rent, machinery, interest on invested capital, fertilizer, and other necessities—were fixed by contract or by administered prices." In Mitchell's emphasis (2012: 44-47), monoculture production intensifies the peak demand for labor only during harvest.

Reflecting one strategy to achieve profit from agriculture, the sector entails substantial concentration, of ownership of land and market share. Fictitiously commodified land, in Polanyi's sense of human treatment of land as something produced for commerce, is necessary for agribusiness to profit. As Jan van der Ploeg (2010:4) argues, the integration of land into agribusiness networks empowers the companies that purchase from farms to determine crops, inputs, credit, timing and price of sales. The process of commodifying and transferring land to become the property of agribusinesses has involved state force. The territorialization of California was a process of forceful dispossession and fraudulent claims – first by Spain, upheld by Mexico and extended by United States railroad expansion – that created oligopolistic land ownership which formed the basis of agribusiness (McWilliams 1935/1971; Galarza 1964). The land grabs forced indigenous and settlers off the land, creating the first labor pool of the state (McWilliams; Galarza). Large landowners sought the labor of transient "hoboes" for the harvest (McWilliams; Galarza). The employers paid local police to round up people from railroad cars or informal housing camps and order them to work and provided harvest workers one meal on an unwashed plate, earning the migrant-labor market the epithet "dirty plate route" (McWilliams; Galarza). By the turn of the twentieth century, the contemporary agribusiness was born: corporations investing in vast land tracts organized for commercial farming and dependent on large numbers of seasonal workers. In Florida, following Spanish colonization and subsequent U.S. military dispossession of indigenous people, the federal government drained wetlands,

providing the foundations for Florida's agribusiness, the truck-to-market and labor migration patterns up the East Coast (McWilliams 1941/1967: 168-186). Labor contractors known as "row bosses" managed recruitment, hiring and supervision in a system described by the Virginia State Labor Commissioner in 1930 as "almost slavery" (McWilliams 1941/1967: 179). The agribusinesses that grew around Florida's Lake Okeechobee (contemporary "tomatoland" (Estabrook 2011)) depended on African-American workers living in conditions contrived to ensure dependence on below-subsistence wages (McWilliams 1941/1967: 171-175).

As McWilliams and Galarza suggest, the process of land ownership concentration in agribusiness depends on the use of state force and, simultaneously with expanding land under cultivation, expands the labor supply, the proletarianization dimension of "so-called primitive accumulation" (Marx 1867/1990: Ch. 28). The two continue to be interrelated. Lorenzo Cotula (2012) most recently documented accelerating land grabs, and David Harvey's (2003) argument about "accumulation by dispossession" broadened the dynamic of integrating land into capitalist production and thus creating more wage workers. Particularly important in the cases of the farmworkers studied herein is this dynamic in North America since the 1970s.

In 1979, the U.S. Federal Reserve and UK Bank of England increased prime and LIBOR interest rates, and real interest rates paid by Latin American countries to debtors (private banks and international financial institutions, *e.g.* the International Monetary Fund and World Bank) changed from an average of -3.4% (favoring borrowing) in the 1970s to an average of 19.9% in 1981, 27.5% in 1982 and 17.4% in 1983 (Toussaint 2005: 137-147). In 1982 the Mexican government announced it could not service its debt. The debt crisis was the entrée for the IMF to condition an indebted government's access to international finance on its implementation of structural adjustment programs (SAPs), which require liberalization of capital accounts,

privatization of industries, government spending austerity, flexible labor policy, and export orientation – on the premise that such measures attract foreign investment, providing governments with foreign exchange to repay debts and increase national income. The North American Free Trade Agreement (NAFTA) reinforced SAP reforms in Mexico (Weisbrot *et.al.* 2014). An estimated 4.9 million Mexican farmers lost their land, 3 million of whom entered the North American agribusiness labor market, wages stagnated near their 1980 level, and 14.3 million more citizens living below the poverty line (Weisbrot *et.al.* 2014). Meanwhile, military conflicts led by the U.S. government followed by structural adjustment via SAPs and the U.S.-Dominican Republic-Central America Free Trade Agreement (CAFTA) produced similar patterns of internal accumulation by dispossession and external migration from El Salvador, Guatemala and Honduras. As discussed in the above section regarding value creation at the point of production, most of the migrant labor in U.S. agribusiness cannot sell their labor to any employer. In this sense, agricultural economist Philip Martin (2003: 14) notes that in the U.S. agribusiness sector, employers have monopsony power.

Agribusiness is also characterized by market concentration. In documenting the claims on Mexican land grants, McWilliams (1935/1971) identified the switch in investment patterns from gold to land, then cattle ranches to crop production, in late 19th century California. In addition to codifying claims to the land, the U.S. government's land grants to companies for railroad construction led to massive areas under few owners (McWilliams 1935/1971). A second wave of concentration of land followed the 1929 financial crisis, as investors shifted capital into industrial production of high-value crops (Valdes 1994: 205). Evincing the pattern of concentrating production, by 1936 the company Sunkist controlled 75% of California's citrus crop (Mitchell 2012: 17). Yet investors only kept capital invested in production so long as it

yielded returns worth the risk. Indicative of restructuring over mid-twentieth century, DiGiorgio Corporation, the company caricatured as "DiGregorio" in John Steinbeck's *Grapes of Wrath*, began in 1919 when Joseph DiGiorgio purchased 5,845 acres. By 1946 the company was the largest grape, plum and pear grower in the world. In the 1960s it described itself as 98% *non-agricultural*, "a publicly held, profit oriented processor, distributor, and marketer of foods" and owned eleven packing facilities, shares of fruit commodity exchanges in five major cities, a shipping company, and one-third of Italian Swiss Colony, then the third-largest winery in the country (Garcia 2012: 12, 49; Ganz 2009: 47). As Giovanni Arrighi (1994/2010: 104) points out, it is this flexible and mobile character of capital that presents to its owners the opportunity of sustained profit, and to labor the ultimate challenge to sustain their livelihoods. The latest (2016) International Assessment of Agricultural Knowledge, Science and Technology for Development,[14] a group of hundreds of multidisciplinary scientists from around the world convened to advise the United Nations and World Bank, summarizing the characteristics of globalized agriculture as:

> *"…typified by the increased interlinkage and concentration at almost all stages of the production and marketing chain, with functional and regional differentiations, and includes transnational corporations that are vertically and horizontally integrated in globalization and their increasing power over consumers and agricultural producers. Globalization is also characterized by growing investments in agriculture, food processing and marketing, and increasing international trade in food facilitated by reduced trade barriers (FAO, 2003). The creation of intellectual property rights has*

[14] The World Bank and United Nations convened 400 multidisciplinary scientists from every continent to conduct the International Assessment of Agricultural Knowledge, Science and Technology for Development, also known as the World Agriculture Report. See https://www.globalagriculture.org/report-topics/about-the-iaastd-report.html

become an increasingly important source of competitive advantage and accumulation in the production and trade of agricultural goods. Globalization has resulted in national and local governments and economies ceding some sovereignty as agricultural production has become increasingly subject to international agreements, such as the World Trade Organization's Agreement on Agriculture (WTO, 1995).”

Indeed, the farm, the point of production in agribusiness, is squeezed between oligopolistic input and output markets. Worldwide, four firms (Bayer-Monsanto, ChemChina, DowDuPont, and BASF) control between 70% (Bershidsky 2018) and 75% (Howard 2016) of the global seed and agrochemical (fertilizer, pesticide, *etc.*) market, while one-third of grocery sales are controlled by 100 companies, of which the top three dominate (Dicken 2015: 290). According to the USDA, by 2009 four firms accounted for more than 50% of global market sales in the agrochemicals, seeds, animal pharmaceuticals, animal genetics, and farm machinery industries (Fuglie *et.al*. 2011). The International Panel of Experts on Sustainable Food (IPES-Food) reported that as of 2014, “the world’s top ten grocery retailers make up 29.3 % of total sales, while the leading three retail companies, Walmart, Schwarz Group and Kroger, represent 5.6% of global grocery spending.” Such concentration leads to shareholder power over decision-making in agriculture, impeding collective demands of labor, farm owners, and consumers and thus regulation (Clapp and Isakson 2018: 438).

Market oligopoly power is interrelated with financialization. As companies gain greater control of markets, the returns on investments in production or services decrease, leading to investments in speculative financial products, *e.g.* futures, options, and derivatives (Bellamy Foster 2007). Financialization refers to the increased allocation of capital to financial investment

instead of production or services (Epstein 2005; Bellamy Foster 2007). Under its logic, companies prioritize increasing shareholder value over productive investments, resulting in less capital in production (Aglietta 2000; Dicken 2012; Lapavitsas 2013). Instead of investing in physical labor, resources or infrastructure, companies invest in information, whether that is branding to differentiate their product to a target consumer or databases to manage circulation among a network of supplier companies (Amin 1994; Russi 2013). Thus, finance influences companies' decisions on structure, location of operations, and business partners (Evans 1995). It creates downward pressure on firms to source at low-cost, often at intensive pace and across as many suppliers as possible, thus driving global and managerial fissuring (Appelbaum and Batt 2014; Weil 2014) as well as entailing the delinking of productivity and wages (Bivens and Mishel 2015).

As agriculture's low profitability makes it a sector for storing capital in particular conjunctures (Arrighi 2004/2010: 184), investments tend to increase when more profitable investments are unavailable or less attractive. Therefore Madeline Fairbairn (2014) documented that after the 2008 financial crisis, investors shifted capital to land for agribusiness and real estate, suggesting that such investments sharpen short-term focus on returns to the detriment of the land, farm operators and workers. The mechanisms of financial control extend beyond direction of investments. In addition to multinational companies and financial investors dominating decision-making about food production, global commodity markets set prices, even though most food is not traded internationally (Clapp 2011). In this sense, financialization and concentration transform farmers into factors facilitating the production of value for input sellers, output buyers and their investors (Kloppenberg 2004; Russi 2013). The farm is a link in a global sector in which "the growing areas of rent are increasingly found in the intangible parts of the

value chain" (Kaplinsky 2004: 88), *e.g.* patents of seeds and agrochemicals, finance, and marketing of consumer-facing products.

The structure of agribusiness as a commodity itself for financial accumulation resumes the question of the government's role in agribusiness. As Kitty Calavita (1992) and Giovanni Arrighi (1994) point out, the analogy that "the modern state is but a committee for managing the common affairs of the whole bourgeoisie" (Marx and Engels 1848) might be revised to better account for the levels and mechanisms of government support for capital. With regards to use of force and support for capital accumulation, Arrighi (1994/2010: 124) describes the state-capital relationship as a "political exchange" of complementary specialty capacities – market opening by states and accumulation by capital. In her study of the U.S. Immigration and Naturalization Service,[15] Calavita (1992) concluded that the agency "[u]sed its extensive powers to the advantage of growers" in ways that supported the agency's "*own* bureaucratic interests." In this sense, the relationship between state and capital might be best conceptualized as "interwoven, or imbricated, or enmeshed, any of which will create a bond between strands that is stronger than its elements" (Calavita 1992: 177; 182-3). With such a bond, agribusiness and the U.S. government have sought to resolve the agrarian questions of overcoming obstacles to capital accumulation from agriculture, the sector's contribution to the rest of the national economy, and rural residents' political allegiance.

The framework of "food regimes" brings together the relationship of the state and agribusiness by recognizing that political order needs to satisfy the material needs of constituents and sustain legitimacy in their perception and has historically achieved these goals by

[15] In 2003 the U.S. federal government replaced INS with the U.S. Citizenship and Immigration Services (USCIS) under the direction of the Department of Homeland Security (DHS), along with the enforcement agencies Customs and Border Protection (CPB) and Immigration and Customs Enforcement (ICE). Farmworker employers file petitions for H-2A visas with USCIS, after obtaining a temporary labor certification for H-2A employment from the U.S. Department of Labor. See https://www.uscis.gov

substituting social and ecological needs with market demands (McMichael 2013: 9). The first food regime was dominated by the British Empire and entailed so-called primitive accumulation in colonial territories to deliver cheap food to British factory labor and develop commodity trading (Friedmann 1993; McMichael 2013). Under this regime, colonialism shaped the terms of trade and investment, and slavery and debt-bondage shaped labor relations (DuBois 1935/1963; Tomich 1990; Baptist 2015; Beckert 2016). Under the second food regime, the United States government subsidized domestic production to support domestic mass consumption, expanded profit frontiers by opening export markets through foreign aid and reducing trade barriers (Friedman 1993; McMichael 2013). During this period, clearly emerging post World War II, the "development project" (McMichael 2000) of politically-guided 'foreign aid' shaped the terms of trade and investment, and states created denizen labor markets of primarily immigrant and also imprisoned workers. States justify such rights-less labor markets with spurious arguments of labor shortages, and in doing so fail to implement international labor conventions of the ILO. It was during this period, for example, that the United States government excluded agricultural workers from the National Labor Relations Act (NLRA) to appease Southern capitalists' interests in preserving the Jim Crow South (Perea 2011) and initiated the Bracero Program to provide growing U.S. agribusinesses with immigrant, primarily Mexican, labor (Mitchell 2012). The contemporary, "corporate food regime" is characterized by the aforementioned dominance of finance and market concentration, and, as its title suggests, the heightened power of agribusiness over public policy. Notably, the food regimes literature highlights organized resistance to the tight state-agribusiness alignment. For example, *La Via Campesina*[16] works to

[16] La Via Campesina is comprised of 164 organizations in 73 countries across Africa, Americas, Asia, and Europe, representing an estimated 200 million farmers as "an autonomous, pluralist and multicultural movement, independent from any political, economic of other type of affiliation" (www.viacampesina.org).

reimagine socio-ecological relations on the principle of food sovereignty.[17] Some observers have highlighted that the fundamental challenge for such movements in antithesis to capitalist food production is "how to transcend exchange-value consensus" (Bernstein 2016).

Building Power: Farmworkers' Collective Action in U.S. Agribusiness

How farmworkers might resist is a question of building power to influence agribusiness, the state, and society more broadly. To a degree, the bargaining power framework used in industrial relations helps to explain power relations between farmworkers and agribusiness. The overwhelming imbalance of political power leads many to apply the concept of social unionism. However, categorization leaves wanting an explanation of the means by which farmworkers succeed. Here, we further extend the analysis with the introduction of symbolic power in hegemonic struggle.

The bargaining power framework most used in industrial relations builds on institutional economics and distinguishes between total and relative power. Total power refers to the total amount of resources available over whose distribution management and labor can negotiate. It is the company's profits and expected profit growth. The strength of macro-economic demand and the micro-economic degree of competition within the company's economic sector are primary determinants of total power. As indicated in the previous section, total power is substantial in some agribusinesses, yet the concentration of capital is on either side of the farm, in the multinational corporations supplying seeds and agrochemicals and others buying agricultural

[17] Food sovereignty refers to a multidimensional process of immediate assertion of the right of nations to protect domestic food producers and production and longer-term process of redefining socio-ecological relations that strengthen cultural practices that do not reduce food and its production to price nor a commodity for capital accumulation. (McMichael 2013: 58-9)

products for retail. Distribution of profits, however, depends on relative power, the comparative capacity of labor and management to succeed with their respective demands in negotiations.

One determinant of relative power is what Alfred Marshall (1920/1961) described as the price elasticity of demand for labor at the firm concerned, *i.e.* the wage-employment tradeoff (Katz *et.al.* 2017: 94-97). Labor's relative power is greater when the price of their labor power is relatively inelastic, because the company is able to increase labor costs without reducing the number of workers employed. It is more inelastic when workers are relatively non-substitutable; increased costs of the final product can be passed on to consumers; costs of other inputs to production can be reduced without reducing their quantity; and labor is a relatively small portion of overall costs (Marshall 1920/1961: 383-386). Richard B. Freeman (1979: 67-71) built on Marshall's conditions by arguing that for the low labor-to-overall-cost ratio to increase labor's power, the price elasticity of non-labor factors of production must be less than the price elasticity of demand for the company's product/service (Katz *et.al.* 2017:89-111). Fuller (1955) concluded that agribusiness's political power enabled employers to organize "noncompetition for labor" and set wages with no relation to the labor market surrounding the farms, by "tapping the surplus labor pools of foreign areas, with the result that the industry has a uniquely elastic labor supply," an assessment more applicable today as undocumented immigrant workers dominate the industry and employers can hire through the H-2A program.

Another determinant of relative power is strike leverage, labor and management's ability to withdraw from their exchange and, by doing so, extract concessions from the other party (Katz *et.al*. 2017: 92-94). Management has greater strike leverage under three conditions (Katz *et.al*. 2017: 92-93). First, management can continue production during a strike by hiring replacement workers, assigning managerial personnel to fulfill labor's tasks, or using technology. Second,

management can continue sales during a strike because it can continue production at an alternative facility or has inventory to sell. Third, management can continue profitability during a strike because its capital expenditures at the facility struck are relatively low, because its competitors are also struck, or because it has alternate revenue streams to sales. Labor has to both endure a strike – and the wages lost during it – and disrupt production, sales and profit.

Structural power helps explain labor's disruptive capacity. It refers to labor's location within the economy, including the tightness/looseness of the labor market and strategic position within a particular industry (Wright 2000: 962). In terms of the labor market, farmworkers' strike leverage is weakened by agribusiness employers' relative ease of replacing labor. In this labor market, farmworkers' capacity to disrupt the valorization of investments in agribusiness by striking during a harvest is particularly relevant. When crops are ready for harvest, farm owners are anxious to complete the harvest and avoid loss of product, which is a loss of their investment. Thus, U.S. farmworkers have withheld their labor power strategically when employers need it most, around the harvest (Kester 1936/1997; Jamieson 1945; Galarza 1964; Mitchell 1973; Bronfenbrenner 1990; Martin 2003; Mitchell 2012; Walker 2012; Wells 2013; Vézina 2016). Farmworkers have also used boycotts effectively. The tactic aims to disrupt employer's revenues, creating a disincentive to refuse workers' demands. During its peak, 1946-1952, the National Farm Labor Union combined strikes and secondary boycotts to effectively raise wages and address certain conditions; however, the tactics proved inadequate given employer's ability to replace striking workers with Braceros and injunctions issued against the boycott, both clearly with state support (Vézina 2016). Indeed, most strikes in U.S. agribusiness have ended with employers hiring replacement workers, often with the assistance of state officials arresting or

deporting strikers and authorizing hiring of replacement workers, particularly under the Bracero and H-2A programs.

As a sector, agribusiness has also mitigated farmworkers' harvest-strike threat by allocating capital away from production to the input and output sectors and organizing global supply networks to maintain multiple production locations, both processes that empower the largest companies, increasingly not the farms themselves. Marking the increase in employers' power, Philip Martin (2003: 164-165) documented that the 1979 UFW strike of the southern California vegetable industry both raised wages to the historical level of $5 per hour at unionized farms and raised revenues of agribusinesses' in the sector above prior years because relatively price-inelastic demand for their products allowed them to raise prices. The varied outcomes suggested the contested nature of structural power in the sector.

Factors indicating workers' strike endurance include their access to alternative sources of income, (such as a temporary job, savings, another income earner in the household, or a strike fund) and solidarity, including both shared sense of unfair employment and of collective empowerment (Katz *et.al*. 2017: 93-94). For farmworkers, the majority have few temporary job options, either as H-2A workers tied to a single employer or as undocumented workers whose employment presents risk to potential employers. Furthermore, farmworkers' low wages indicate relatively low savings, and minimal unionization in the sector result in minimal if any strike funds. Particularly important for farmworkers, then, is solidarity, the ideology reflecting associational power.

From the earliest farmworker organizing, observers have identified the importance of associational power. Looking at the exclusions of farmworkers from institutional protections, scholars have emphasized that any improvements made in agribusiness labor relations would be

achieved by the strength of farmworkers organizing, *i.e.* their associational power (Jamieson 1945; Bronfenbrenner 1990; Kester 1997; Perea 2011). The power any group gains from forming collective organizations is associational power (Wright 2000: 962). In addition to its importance for workers' gaining relative power vis-à-vis employers, some scholars have argued that overlapping interests of employers and employees imply the possibility of integrative bargains or positive class compromise, *i.e.* increased profit and gains for labor (Walton and McKersie 1965; Wright 2000). As workers' associational power strengthens – meaning increased capacity to effectively disrupt valorization of capital investments and ensure its members act as a unified collective – labor relations first shift from managerial unilateralism to conflict, and then further strengthening increasingly opens up the possibility of integrative compromises (Wright 2000).

Associational power does not occur automatically; thus, several scholars have focused on the internal efforts of farmworkers' collective action. Several highlighted anti-racism as a key factor in building associational power. In his account of 19th and early twentieth century farm labor organizing, Jamieson (1945: 8-9) highlighted that "in some instances even made serious efforts to transcend the color line." The STFU drew power precisely from their capacity to remove the wedge of racism (Mitchell 1973; Kester 1997). Jennifer Wells (2013: 81) described the 1943 strike by African-American women at tobacco giant R.J. Reynolds as "the power of collectivism" piercing the racist and patriarchal controls over economic, political and social dimensions of society. Shifting control is an extraordinary achievement. Marshall Ganz (2000: 1016-1017) emphasized "strategic capacity," which an organization develops "if its leaders can access diverse sources of salient information, employ heuristic processes, and demonstrate deep motivation." He argued that "regular, open and authoritative deliberation" enables organizations to develop and enhance strategic capacity (Ganz 2000: 1016-1017). Others have emphasized the

influence of financing and members on the development of such capacity; for example, Karen Nussbaum argued that "worker organizations that aren't self-sustaining can't be democratic" (quoted in Dias-Abey 2018: 2110).

The history of farmworker collective action indicates that associational power and solidarity of the industrial relations framework need to include alliances between farmworkers and other members of society. This is coalitional power, or the "capacity of workers to expand the scope of conflict by involving other, non-labor actors willing and able to influence an employer's behavior" (Brookes 2013: 192).

Enslaved farmworkers' option of running away (DuBois 1935) depended minimally on a formally free member of society and more generally a network such as the Underground Railroad. The AFL's refusal to affiliate the mixed-race JMLA cut short the latter's struggle with Oxnard Sugar (Kim 1999). Alliances developed by IWW between industrial and agribusiness workers, and by STFU among multiracial farmworkers, tenants, and small-holder farmers were met by harsh state and para-state violence precisely for the associational power they projected (Jamieson 1945; Kester 1997). An outcome of the social isolation of H-2A workers (Izcara-Palacios 2012) is the dampening of potential alliances. The boycotts led by the National Farm Labor Union 1946-1952 depended on alliances (Vézina 2016), as have subsequent farmworker-led boycotts.

Several scholars have drawn on social movement literature[18] to explain alliances prominent in farmworker collective action. "Conscience constituents" describes supporters of farmworkers who are not direct beneficiaries but engaged via their conscience in the movement (McAdam *et.al*.1996). These supporters contribute to "pluralistic power," the interaction of

[18] In Charles Tilly and Sidney (2015) description, are best understood with a "contentious politics" model, meaning actors engage in "cycles of contention" temporally located in "political opportunity structures."

authority, human resources, skills and knowledge, material and intangible resources (Sharp 2000). The diversification of ideas brought from the involvement of conscience constituents in farmworkers' organizations is a dimension of strategic capacity building (Ganz 2000). Alliances help in obvious ways, *e.g.* implementing a boycott in more locations than farmworkers' communities and thus across more of the agribusinesses linked to the farmworkers employer. They also can help extend collective action into politics.

The ability to influence public policy, or political power, is another key determinant of the balance of power between labor and management. Political power reflects the degree to which either party can influence public policy, with the goal of enhancing total power, *e.g.* stimulating demand or limiting competition, or their relative power (Katz *et.al.* 2017: 98). As the disenfranchisement of workers and extraordinary political power of employers in agribusiness suggests, farmworkers are at a disadvantage in politics. This reflects a particular set of "state traditions," government actors historical tendency to assign greater or lesser role to workers' collective organizations in public policymaking (Crouch 1993). The importance of shifting government activity towards protecting farmworkers' rights has led most farmworker organizations to engage politically. In the late nineteenth and early twentieth centuries, the Agricultural Wheel, Farmers Alliance, Farm Labor Union, Farmers' Educational and Cooperative Union focused on political lobbying (Jamieson 21945: 8-9). The STFU used the documentary *March of Time*, featuring Arkansas tenant families and beatings of ministers and female social workers, to successfully press for convictions of one of the anti-union deputy sheriffs for beatings of union activists and holding thirteen STFU members in slavery, the first conviction under the 1875 Arkansas anti-slavery law (Mitchell 1973: 358). Later, the STFU showed *Poverty in the Valley of Plenty* to U.S. congressional subcommittee as workers struck the

company it depicted, the DiGiorgio Fruit Company (Mitchell 1973: 360). Yet, as indicated by the discussion above regarding the balance of state force farmworkers, political power has always favored employers over farmworkers. Some have also argued that focusing on changing the state from adversary to intermediary can have both liberating and co-optative effects on labor's power, after observing the limited expansion of collective bargaining following the passage of the ALRA (Majka and Majka 1982).

Given the precarious position of farmworkers and importance of cross-identity unity, disruptive action, alliances and political advocacy, the concept of social movement unionism (SMU) can be applied to some farmworker organizations. Kim Moody (1997: 60) described SMU as a form of unionism characterized by international solidarity and more gender and racially diverse, *i.e.* "a labor movement 'whose constituencies spread far beyond the factory gates and whose demands include broad social and economic change.'" It aims to increase the power of the most precarious social sectors through alliances with existing organizations (Moody 1997). Peter Waterman (2004: 220-221) described SMU as a synthesis of trade unionism's class struggle with the democratic demands of socio-cultural identity struggles, in which union-community alliances, international and networked structures are determinants of effectiveness. Others have attributed to SMU the practices of grassroots mobilization (Brecher and Costello 1998), organization of underrepresented groups (Johnston 1994), direct collective action (Nissen 2003), member decision-making (Moody 1997; Hirschsohn 2007; Camfield 2007), and goals for social change beyond the workplace (Barchiesi 2007; Greer 2008; Lier and Stokke 2006; Mrozowicki et.al. 2010; Serdar 2012). Others have critiqued the SMU literature for minimizing the importance of contract negotiations (Von Holdt 2002: 297; Engeman 2015: 456). This view recognizes that institutional power, that which supports enduring outcomes, may be developed

through agreements with employers as well as legislation (Gumbrell McCormick and Hyman 2013: 1-28).

Studies on the collective action of particularly precarious workers have identified a diversity of organizational models and the pertinence of early theories about unions. For example, in a study of nine cases spanning as many countries, Adrienne Eaton, Susan Schurman and Martha Chen (2017) pointed out that the majority of workers are categorized as 'informal' and organized to provide themselves mutual aid, collectively bargain, and gain government support precisely because the formal institutions of the labor market are not providing them with decent livelihoods. As these authors argue, such a strategy recalls the definition of unionism advanced by Beatrice and Sidney Webb in *Industrial Democracy*. The Webbs (1920) defined unions as "continuous associations" democratically working "to regain collectively what has become individually impossible," by providing members mutual insurance, collectively bargaining with employers, and advocating for enactment and enforcement of standard minimum working conditions. Nearly a century later, some workers have organized into alternative structures to unions as contemplated in national laws. Perhaps most common are worker centers, which Janice Fine (2005) defined as "community-based mediating institutions that provide support to low-wage workers" that tend to focus on three strategies: service delivery – *e.g.* legal representation, banking, healthcare, *etc*.; advocacy – *e.g.* political lobbying; and organizing – particularly focused on empowering workers with leadership skills. As the history of farmworker organizations and cases studied herein suggest, many of these characteristics reflect necessity, given their particular position in the socio-economic and political hierarchy of U.S. society.

What is less explicit in analyses of the form and tactics of farmworker and informal worker collective action is their overarching strategy. As will be argued regarding the three case

studies herein, integrating symbolic power into a traditional bargaining power framework clarifies the logic. Accounting for the broader social consensus and symbolic power used to develop it allows us to extend the bargaining power framework and explain labor relations in the sector.

Labor relations in U.S. agribusiness is a hegemonic struggle, in the sense theorized by Antonio Gramsci (1971/1992). From the earliest stages, companies concerned developed a class identity as producers of the nation's wealth, and the interests of the state and companies were woven together through discursive practice. The state institution of slavery, dispossession of indigenous peoples through territorial expansion, and alignment of monetary policy with agribusiness interests epitomizes the imbricated state-agribusiness interests in the era of 'king cotton" (Baptist 2014; Beckert 2015). However, hegemony depends on a combination of coercion and consent (Gramsci 1971/1992). The country began with two labor systems of agricultural production, the Jeffersonian ideal of a family farm – suggesting that the vast resources of the country elevated the farmer above the status of peasant in his 'old country', and the plantations reliant on slave and other forms of unfree labor, *i.e.* a denizen labor market (Martin 2003). As evinced in the historical accounts presented herein, the state and agribusiness actively developed the latter to resolve the agrarian questions of a profitable sector, support for other sectors in the form of cheap food, and political allegiance of the sector to the state. Yet the national narrative of a 'land of the free' contradicted sharply with the denial of the most fundamental rights to the labor involved in agriculture, the foundation of society. The state and agribusiness needed to 'win the consent' (Gramsci 1971/1992) of their constituents and consumers.

The concept of "symbolic power" (Bourdieu 1991) helps us understand the possibility of achieving the consent of society to the inhumanities of slavery, assaults, wage theft, and exposure to toxic agrochemicals with impunity. As the power to constitute reality through the communication of ideas, symbolic power "renders recognizable and misrecognizable the violence objectively present in actual life" (Bourdieu 1991: 170). Labor scholars have used the similar terms of moral, discursive or communicative power, meaning the communication of a persuasive conception of social change (Munck 2000; Webster *et.al*. 2008). Agribusiness has long used the symbolic power of customs, values and language advantageously. Thus, since the founding of the United States, agribusiness and the government have developed "agricultural exceptionalism," *i.e.* exempting agribusiness from the laws and norms of society (Schell 2002). To gain consent for such broad impunity, agribusiness and the state have made farmworkers invisible, perhaps the deftest use of symbolic power.

Making farmworkers invisible to citizen consumers is the symbolic power that sustains the "hegemony protected by the armour of coercion" (Gramsci 1971: 263) in which farmworkers are denied rights protection. Already in 1945, Jamieson (1945) noted in his report for the U.S. Department of Labor that readers might find consideration of farmworker organizing "anachronistic" given "college textbooks on labor problems dismiss the subject in summary fashion, if they mention it at all." He is pointing to the modernist imaginary of 'food without farmworkers.'[19] The imaginary has been solidified into ontology by dominant development theories, particularly the "golden age" development theories (Payne and Phillips 2010: 56-84). These theories focused on extraction of resources and labor from rural areas for urban industrial economic activity, including the 'big push' (Rosenstein-Rodan 1943), dual economies (Lewis

[19] This adapts the concept "food from nowhere," which Philip McMichael (2016: 653) describes as representing the absence of control of food producers and consumers in determining the organization of food production.

1954), stages of development (Rostow 1960), industrial convergence (Kerr *et.al.* 1960), and import substitution industrialization (Raul Prebisch 1971). For its part, agribusiness has sustained the concept of the small, family farm struggling in a competitive world as the premise for its claims of inadequate government support and of bucolic purity, as presented in advertising that presents scenes of bountiful fields. Absent from state and agribusiness messaging are the 2.5 million farmworkers, primarily of color and immigrant status, who labor in the fields. The exception of agriculture from labor laws and social norms rests on this erasure of farmworkers from the consciousness of society.

Workers in U.S. agribusiness must make themselves and their treatment visible to disrupt the 'common sense' of in U.S. society of agricultural exceptionalism. As Gramsci emphasized and the contradictions in agricultural exceptionalism indicate, it is "'disjointed and episodic,'" presented as the "'traditional wisdom or truth of the ages,' but in fact, it is deeply a product of history" (Hall 2015: 20, quoting Gramsci 1971). To take advantage of the cracks in the hegemony that oppresses them, farmworkers in the United States have to proceed through the processes of constructing a new hegemony. This entails recognizing their common class interests, developing solidarity internally, and allying with others in society to develop a new collective will (Gramsci 1971: 180-182). This process inherently involves the economic, political and social spheres of society. It also depends on the capacity to use information and communication. The importance of this symbolic power raises the internal challenge of sustaining an ideology beyond any particular leader.

Using politics as the field most evocative of symbolic power, Bourdieu argues (1991: 169) that "ideologies are always doubly determined, that they owe their most specific characteristics not only to the interests of the classes or class fractions they express..., but also to

the specific interests of those who produce them and to the specific logic of the field of production." In Gramsci's (1971) formulation, delegates are the "organic intellectuals," leaders of a group, most effectively from the group, who are indispensable to developing and conveying its ideas and demands. Also focusing on politics, Bourdieu explains the development of ideology as a process of a group transferring decision-making to a representative. This introduces the risks of "political fetishism," *i.e.* the representative believing that their power is self-produced leading to a delegate(s) not representing the group (Thompson 1991:26-27). Building on Robert Michels "iron law of oligarchy," some have argued that leaders of social movements tend to become focused on maintaining their organization at the expense of achieving the improvement sought by the group they represent (Piven and Cloward 1977).

In historically unprecedented fashion, the UFW, CIW and FUJ have progressed towards the goal of creating a new social consensus as the basis for laws and norms regulating labor relations in agribusiness. The three organizations have all demonstrated the capacity to build solidarity internally among farmworkers and externally with social activist partners, and to use this associational power to disrupt and present an alternative. In their distinct conjunctures, they have also sought to mitigate the institutional imperative trap. Turning now to the methods used to identify their strategies, I will then present the findings of what they achieved and how they did so.

METHODOLOGY

While most studies of worker collective action in U.S. agribusiness focus on single organizational case studies, in this paper I used a comparative research design. The focus was the

organizational strategies used to improve the terms and conditions of work in U.S. agribusiness, a conceptual unit of analysis for a grounded theory approach (Corbin and Strauss 1990). The variance across the three organizations studied drew on the idea of a "most-different systems" research design (Przeworski and Teune 1970: 34), offering greater robustness of findings that are common across the heterogeneous cases.

The three organizations share commonalities and differences. The United Farm Workers (UFW) is a trade union, formally established in 1966. The UFW membership is currently 29,000 workers, all covered by collective bargaining agreements (CBAs), and the union has developed a private-regulation system adjacent to its unionization efforts. The Coalition of Immokalee workers is a non-governmental organization (NGO), established in 1995, and has developed an enforceable private-regulation model called the Fair Food Program (FFP), which covers 35,000 workers. Familias Unidas por la Justicia is a trade union, established in 2013, with 1,500 members, 500 of whom are covered by a CBA. The three operate commonly under U.S. national laws and social norms and distinctly under the laws and norms of national sub-regions – the UFW in the West (California, Oregon, Washington), the CIW in the Southeast (Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland), and FUJ in Washington. They have focused their strategies on employers in overlapping but distinct crop sectors – the UFW on farms producing fruits, vegetables, mushrooms and flowers, the CIW on farms producing tomatoes, bell peppers and strawberries, and the FUJ on berries and apples. The cases thus offered some variability permitting some generalizability to the agribusiness sector based on the theory of 'most-different' comparison. Nevertheless, the differences across the cases, particularly across their respective contexts, were meaningful and therefore also addressed.

The cases were selected as what Robert Yin (2009) calls "revelatory case studies," meaning that their selection aimed to reveal explanatory, not only exploratory, information. The three organizations represent success cases in labor relations in U.S. agribusiness for having established enduring institutions that improve the terms and conditions of employment. While only 2% of workers in the agribusiness industry have union representation and most initiatives to improve working conditions in the sector have not succeeded, the three organizations studied have made durable improvements for large numbers of agribusiness workers. Yet the scope of their activity suggested that their experiences offer broader lessons for the sector. The UFW has operated for more than fifty years, the CIW for twenty-five years, and FUJ for five years, and each has negotiated legally binding agreements under which employers are held accountable for minimum labor standards.

Data collection drew on primary and secondary sources.[20] I collected the participants' perspectives through 23 total semi-structured interviews, ten of which were conducted in-person and thirteen by telephone. The interviewees included 20 current participants in the organizations studied, one former participant, and two academics who study the organizations focused on in this paper. Six of the interviewees were women, and the rest men. Several of the interviewees were immigrants without official documentation of their U.S. residency; therefore, pseudonyms were used in the data analysis and presentation of findings. The duration of most interviews ranged from forty-five minutes to five hours, averaging two hours. Following the interviews, participants at each of the three organizations reviewed descriptions of their work to ensure accuracy. I also conducted participant observation, approximately 26 hours with FUJ and 2 hours with CIW.

[20] The Cornell University Institutional Review Board for Human Participants exempted the study from its review.

Analytically, I used a comparative strategy to identify the strategies of the organizations. The outcomes of their respective efforts make UFW, CIW and FUJ historical anomalies. They include terms of workplace labor standards protected and the mechanisms established to protect them – as established in the agreements between the organizations and companies concerned. Tactics including strikes, boycotts, negotiations and grievance remediation help to explain their successful outcomes. Setting these tactics against their contexts – the characteristics of the employer, public policy, social norms – illuminated the importance of power resource building, and particularly the use of symbolic power. As actors seeking to change social relations, the organizations studied interact with their environment, its economic, political and social actors in their overlapping roles.

At the meso-level of analysis, I rely on the conveyed experiences of participants in UFW, CIW and FUJ, and of participants in closely related organizations that participate in the implementation of the three organizations' strategies. For UFW, the related organizations include Equitable Food Initiative (EFI) and CIERTO; for CIW, Fair Food Standards Council (FFSC) and Worker-Driven Social Responsibility (WSR) network; and for FUJ, Community to Community (C2C) and the *Tierra y Libertad* cooperative. At the macro-level of the economic, political and social context in which they operate, I relied on data from secondary sources, *i.e.* U.S. government agencies, scholars, and farmworker advocates. I triangulated interviewers' comments across the interviews and with secondary data, and at my request each organization provided feedback on my description of their work. The analysis of their strategies addresses the research question of how labor relations can be organized in the agribusiness sector to establish minimum standards of working conditions and mechanisms for workers' to exercise voice.

Potential limitations of the research include the samples within each organization, time

spent conducting participatory observation, and my positionality. The interviewees included participants involved in the development and leadership of each organization as staff or elected representatives, all of whom previously worked as fieldworkers. At UFW and FUJ, interviewees also included workers who shared their experience of employment at a company covered by the organizations' programs. At UFW and CIW, the organizations selected the workers who participated. Additional interviews and time conducting participant observation could possibly have altered the analysis of the organizations' strategies by further illuminating the micro-level of analysis, *i.e.* more about ordinary workers experiences under the organizations' programs. Additionally, broadening the sample to include organizations that have not succeeded could influence analysis, although each of the organizations studied altered its strategy over the period of time studied. Dimensions of my own positionality likely influenced interactions with the organizations' participants. It was evident that some interviewees were appropriately cautious about communicating their experience to someone with the social capital of a white, male, doctoral student at an Ivy League university. For example, my positionality may inflate my expectation of institutions as mechanisms of achieving social justice. Additionally, my prior work experience at a corporate social responsibility (CSR) NGO and at a labor-rights advocacy NGO influenced some interviews,[21] facilitating conversation based on shared knowledge in some cases and raising skepticism in others, particularly given valid and extensive critiques of CSR.

[21] I worked at Social Accountability International 2007-2012, on a project to promote social dialogue in the banana and sugarcane sectors of Central America and on the SA8000 certification system, under which companies can contract an accredited audit firm to audit their employment practices against the certification standards, a CSR system critiqued for lack of standards enforcement and lack of worker control over judgements of terms and conditions of work, particularly on issues such as discrimination and freedom of association. I worked at International Labor Rights Forum 2012-2018, as coordinator of the Cotton Campaign, a coalition of trade unions, human rights NGOs, institutional investors, and industry associations working to end forced labor in the cotton sectors of Uzbekistan and Turkmenistan.

FINDINGS

The UFW, CIW, and FUJ have improved the livelihoods of workers in U.S. agribusiness and sustained improvements by establishing supportive institutions. These achievements distinguish the three worker organizations from the historical norm of existing social institutions crushing worker collective action and/or eroding its gains. Like other farmworkers, they were acting within the political-economic context of agribusiness, in which the industry's political power is reflected in labor laws and immigration policy supportive of its interests, and in its networked, financialized, and global structure mitigates workers' disruptive capacity. The three organizations achieved dramatic improvements by asserting an increasingly broad-based collective will.

The three farmworkers' organizations studied progressed across similar paths from confronting the denial of their rights under the regime of agriculture exceptionalism to establishing dignity in agribusiness employment relations for the 65,500 workers covered by their initiatives. The tactics of UFW, CIW, and FUJ included strikes, boycotts, demonstrations, and collective bargaining, which might classify them as social unionism – *i.e.* Webb's mutual aid-collective bargaining-political advocacy model of unionism, social movements, or social movement unionism (*i.e.* Moody 1997) organizations. However, iteratively studying each organization and the labor-studies and development-sociology literature illuminated a power-building process among the three organizations that allowed them to succeed with these tactics that had proven insufficient for so many other farmworkers' organizations.

Their common strategy was to shift the standard practice of denizen labor to rights-based labor relations in U.S. agribusiness, *i.e.* to challenge the existing consensus by progressing

through stages of developing the capacity to act in a unified manner and change agribusiness behavior (Gramsci 1971: 181-183; Wright 2000). All three organizations used symbolic power to unify workers and build the associational power necessary for direct action, and to ally with non-farmworker citizen consumers and build the coalitional power necessary to force employers to recognize their collective bargaining rights. Once gaining recognition, all three negotiated binding contracts with employers and thereby built the institutional power to normalize rights-based employment in U.S. agribusiness. The UFW, CIW, and FUJ worked through these stages interactively. Establishing internal common interests was necessary to effectively build alliances across society, and both associational and coalitional power were necessary to negotiate contracts with companies that support enforceable labor standards. While all three succeeded with such institutional power building based on "employer solidarity" (Gumbrell McCormick & Hyman 2013: 1-28), the different governmental "traditions" (Crouch 1993) in their respective U.S. states affected their political power and thus capacity to establish legislation and other state-based forms of institutional power.

Symbolic power functioned differently across the stages, with messages necessarily differing across audiences, and having varied degrees of importance. In development of associational and coalitional power, the three organizations used symbolic power as a primary mechanism. In developing institutional power, the organizations indeed were shifting consensus by through their messaging to company and state actors, yet the economic pressure played at least as important a role with companies, while influence over governments varied across the three organizations. Table 1 presents their use of power resources, and each stage detailed by organization thereafter.

Table 1: Power Resources Used by Farmworkers Organizations

Stage	Power Resource	Role of Symbolic Power	Action	Outcomes
Internal common interests	Associational Power	Anti-racism & Collective empowerment	Strikes Mutual Aid	Temporary wage increases
Social alliance building	Coalitional Power	Making visible farmworkers' & their employment conditions	Marches Demonstrations Boycotts	Recognition by society and employers
Shifting consensus	Institutional Power and Political Power	Shifting employers' consensus regarding negotiating with farmworkers	Collective bargaining Negotiations	CBAs Fair Food Program Employer gains
		Shifting state away from agriculture exceptionalism	Legislative advocacy Facilitating law enforcement	California labor laws Slavery prosecutions H-2A control

The three farmworker organizations' use of symbolic power enabled them to make visible the continuity of abuse against U.S. farmworkers and produce a new social order (Bourdieu 1991). The doubly-determined ideology (Bourdieu 1991: 169) of rights-based labor relations in agribusiness was developed in important ways by leaders that demonstrated strategic capacity (Ganz 2000) to transform diverse information into effective collective action. After situating their socio-economic and political position, their efforts are presented, moving through these stages of power-building. The section concludes by addressing leadership, specifically the three organizations' deliberate efforts to mitigate the risk of leadership prioritizing the organization at the expense of farmworkers' needs and priorities (Piven and Cloward 1977).

The Agribusiness in which UFW, CIW and FUJ Emerged

Focusing on the political-economic structure of agribusiness, we observe that UFW, CIW, and FUJ have been working within an industry characterized by market concentration, extraction of capital from the farm by oligopolistic buyers and input sellers, and reinforced commitment of the U.S. government to a denizen labor market for agribusiness.

The longstanding pattern of farm consolidation was evident in the contemporary industry in which the UFW, CIW, and FUJ emerged. According to the U.S. Department of Agriculture's Census of Agriculture, between 2002 and 2012 the farms with the most area and highest market value grew, while smaller farms are shrank. Large farms, with more than $1 million in sales, accounted for 66% of all sales, up from 50% of sales a decade prior. The Census also indicated that market value of agricultural products sold doubled to $400 billion over the last decade, although it includes land in total value and indicates a concentration of growth in land in the period assessed. According to a UFW official, 20 companies with up to 10,000 workers dominate the California grape industry, while no more than four who employ less than 1,000 workers remain (UFW 11 December). In stone fruit, the same union official estimated that five companies dominate the market, and argued that consolidation is faster, so that the next crop sector, cannabis, will likely consolidate in less than ten years while table grapes took forty to fifty years (UFW 11 December). The official explained consolidation as a result of consumer pressure for year-round, ideal-looking and cheap produce and technologies permitting companies to deliver supply it (UFW 11 December). In the Florida tomato industry that supplies most of North America's winter demand, and where CIW emerged, 17 companies account for 90% of production. Equally important to labor's bargaining power, the farms employing workers covered by UFW, CIW, and FUJ initiatives are also links in global accumulation networks.

When the UFW first emerged in the 1960s, vertically-integrated companies owned and managed farms along with processing, distribution, and marketing functions. By the 1980s, such vertically-integrated companies no longer owned or operated the farms as of the 1980s (Martin 2003). A new pattern proliferated of investors buying land and leasing it to 'independent' farm managers, who do not typically have a consumer-facing brand and are thus less vulnerable to boycotts. The farms where the three farmworkers' organizations are active are produce-suppliers to larger buying companies, and the farms are dependent on larger companies that supply inputs. For example, the fastest growing expense for farms is chemical purchases (USDA 2012).

Florida's tomato industry, where CIW's work focuses, evinces the effects of the concentration and financialization trends on farms and farmworkers. As Barry Estabrook (2011) documented, the retail market created the state's tomato industry. Selling tomatoes during winter is the only reason to grow tomatoes in Florida (Estabrook 2011: 19-34). Lack of nutrients in the soil, sandy soil on top of impermeable clay, an abundance of bacteria and fungi, drastic swings in temperatures, and shorter sunlight mean that Florida, even if hurricanes were not a threat, would never produce tomatoes substantially without intensive application of chemicals. Farm owners create raised beds covered in plastic surrounded by ditches for seepage irrigation and apply at least $2,000 worth of agrichemicals per acre, at six times the rate of pesticide application and five times the rate of fungicide application as tomato farms in California (Estabrook 2011: 27). The pesticides, herbicides and fungicides applied include known carcinogens, neurotoxins, and disruptors to the endocrine and reproductive systems, according to USDA and Food and Drug Administration data (Estabrook 2011: 30). For example, methyl bromide, which can cause disruptions in estrogen production, sterility and birth defects, is applied to kill all life in the soil that might compete with the tomatoes (Estabrook 2011: 25). Despite extraordinary rates of birth

defects, diabetes, rashes, childhood developmental issues, the state government effectively does not report, enforce or apply meaningful sanctions to stop the constant harmful exposure of farmworkers (Estabrook 2011: 35-37). As Estabrook (2011: 129) points out, the power to create and sustain such an industry lies beyond the farm gate:

> *"While it is true that Florida's tomato production is dominated by large agribusinesses, they are mostly family held, private companies that lack the financial leverage of most corporations. They are tiny compared with their fast food, supermarket, and institutional food-service customers. They are also dwarfed by their suppliers, who are multinational corporations such as Monsanto, DuPont, and Bayer CropScience."*[22]

In the berry industry where FUJ focuses, farms are also squeezed between multinational buyers and suppliers. As the berry industry has grown recently, both farm owners and marketing companies have focused on the intellectual property of specific varieties (Hoke *et.al*. 2017). The FUJ organized and negotiated a union contract with Sakuma Brothers in Washington, the third largest state in berry sales. Sakuma cultivates some of its berries organically and most of its berries with the use of non-organic chemicals. The company specializes in the "Northwest variety" or "totem" strawberry, which is red throughout, juicy, with a short shelf life, used mostly in processing. In addition to fields, it germinates plants in greenhouses and sells seeds to other farms. Like the tomato farms that employ CIW workers, Sakuma relates to its buyers primarily as a price taker, even as it has sought to enhance is bargaining position by specializing in particular berries. Its primary buyers are Driscoll and Häagen-Dazs, and competitors for the

[22] Notably, Bayer and Monsanto merged, and Dow merged with DuPont since Estabrook's writing, increasing market concentration in the input side of agribusiness.

particular variety are in China and Poland. Seth Holmes (2013: 180), medical physician and sociologist who studied labor relations at Sakuma as an ethnographic researcher, concluded, "The increasingly harsh market in which the farm operates coerces these growers to remain complicit with a system of labor segregation harmful to the pickers."

Facing the intensification of market power surrounding farms, U.S. agribusiness has followed its historical pattern and succeeded in an expansion of the denizen labor market for farmworkers. Already in 1991, a report by the New York State College of Agriculture and Life Sciences, College of Human Ecology, and School of Industrial and Labor Relations at Cornell University (Daniel 1991: 61) concluded, "[P]erhaps the most debilitating force affecting the farm-union movement has been the excess supply of labor in California." Since, the market has expanded. The structural adjustment programs, North American Free Trade Agreement (NAFTA) decimated bargaining and purchasing power of Mexican workers (Weisbrot *et.al.* 2014). In the U.S., farm owners lobbied against sanctions for hiring undocumented workers and a removal of the requirements under the H-2 visa program for employers to obtain U.S. Department of Labor certification of labor demand and to provide housing and transport (Martin 2003). The resulting law was the Immigration Reform and Control Act (IRCA) of 1986, which changed the H-2 into H-2A for agriculture and H-2B for non-agriculture 'guest workers', and created the Special Agricultural Worker (SAW) and the Replenishment Agricultural Worker (RAW) programs. The share of U.S. agricultural jobs performed by undocumented workers increased from about 10-15% in 1990 to 50-60% in 2000. Workers participating in the UFW, CIW and FUJ emigrated under these dynamics, and their need to emigrate for work has shaped the organizations' strategies.

Many UFW members today emigrated since the 1980s, as recounted in interviews in 2018. Paulo's[23] father grew corn, barley, wheat, beans on his land in the state of Hidalgo, to sell at local markets and provide for the family. At age 14, Paulo left, because "The peasant there doesn't have a market to sell his goods, so it's not enough to survive...There's no future there. The governments there haven't created the market." After leaving home, Paulo worked at a mechanic shop in Mexico City but also found he couldn't support his own family, so he moved to the United States and has worked in California agriculture for more than 15 years "because without papers there aren't other opportunities." Pedro's father grew corn, beans, 'like everyone in Oaxaca,' his home state. He left when he was eight, because "the peso dropped, and the peasants had no one who wanted to buy your harvest. So it was misery, so we came here." He first worked in agricultural fields in Baja California, Mexico, then worked at US farms for six months at age eleven, returned, got residency papers under IRCA, and has worked in California since. Pedro said he hopes to return to Oaxaca, because "it's a headache living here;" even with the flexibility of papers, the factory work he tried paid minimum wage for few hours, providing him less income than agricultural work. Juan also grew up in Oaxaca, helping his father grow corn, beans, vegetables for consumption and sale. At age 16, he left "for the same reason I think everyone leaves, to make enough for a family. I was 16. First I was in Tijuana for three months. After three months, I went to Madera, California. I was in Madera for five years, then moved to Mendoza…because there was work and housing closer to work." In the case of a UFW senior official, he moved from Mexico to the United States when he was eight, and began working in agriculture at age 15, after his father was killed by a cow while working at a dairy farm.

[23] Names are all pseudonyms.

The trajectories of CIW participants are also indicative of the surge in the labor market.[24] Ernesto is from Guerrero, Mexico, and left in 1992, "for the same reasons as Mexicans for decades". His father was a peasant farmer, growing corn, squash, beans, fruits, and had to seek wage work and eventually abandon his land. Ernesto emigrated to Immokalee at age 18, following a relative's notification of job prospects there. He recalled that was the time of negotiations of the North American Free Trade Agreement:

> *"Mexican agriculture really began to feel the effects of NAFTA before it was signed. The reform of the* ejidos *was before, then it was very difficult, and ever since, today it continues to be difficult for Mexican peasants. It costs more to produce than what you earn at the end of the harvest. In the 1980s, I remember that you could still sell part of the harvest for clothes, shoes, whatever, but now it's often less than you invest…the Mexican peasant now has to work after the harvest, because the harvest is no longer commercial."*

María also immigrated to the United States from Mexico for work and met the CIW. She is from the state of Hidalgo, southeast of the national capital. Her parents continue raising chickens and growing crops for consumption and sales to neighbors, and have had to seek wage work to make ends meet. In the late 1990s, a labor contractor brought 15-year old María and her husband to North Carolina. They began harvesting vegetables and tobacco, seven days a week,

[24] The CIW participants presented are from Mexico and Guatemala. Haitian immigrants' participation in farm labor and CIW has changed over CIW's history. In the late 1980s and early 1990s, Haitians migrated to Immokalee for similar reasons as their coworkers from Mexico and Guatemala. In the 2000s, U.S. government responses to natural disasters in Haiti included granting Temporary Protected Status (TPS) to Haitians, which provides eligibility to reside, travel and work in the country. With TPS, many Haitians left agricultural work for jobs in construction, retail or services. Since 2016, the US government has reduced support and commitment to TPS, and many Haitians have returned to field work in and around Immokalee (CIW 15-16 December 2018).

with no access to water or bathrooms near the fields. María recalled that exposure to nicotine in tobacco fields caused workers to not eat for days due to nausea, and having to detail her hours and harvest yield to demand pay from contractors that regularly refused outright or underpaid. She reflected on labor contracting, "many people "do not have any idea of the work that they are going to give them or in what conditions they are going to…sometimes, they bring people blindly, just promising something and at the final hour they are not going to earn what they said."

Another CIW participant, from Guatemala, Alejandro's father grew vegetables and grains for consumption and sales, but he and his older children had to work for wages as well. Alejandro completed seventh grade, worked for a year, then immigrated to the United States at age 17. Initially, he had to give the labor contractor all his wages to pay off the debt for travel and recruitment. To break out of the cycle of debt bondage, he fled to Immokalee, paid off the debts, and began organizing with the CIW.

Yasmine, another CIW participant, is from Guatemala's Pacific coastal region, home to many of the K'iche' Mayan community. Her family moved to the highlands and worked at coffee farms. After completing secondary school, Yasmine moved to the United States at age 20 and began working in Florida's tomato and vegetable sectors. She also emphasized the challenges faced by many immigrant workers:

> *"many times as workers when we come here, we have an idea, and the idea is to be able to make money and send it to the family. All the workers coming to this country come with this idea. But when you come here, you realize the situation that you face, especially*

agricultural workers, because when workers arrive to harvest tomatoes, to harvest different vegetables and fruits, they fall in the exploitation."

FUJ members are predominantly immigrants to the United States, and the majority is from the indigenous Triqui and Mixteco communities of the southern Mexican states of Oaxaca and Guerrero. After his multiyear ethnographic study of this community of workers, Seth Holmes concluded "my Triqui companions experience their labor migration as anything but voluntary;" instead, it was a "reality of survival" that the dangerous border crossing and working conditions were less risky than staying (Holmes 2013: 17-18). In my own interviews, one of the FUJ members recounted his story, starting in Guerrero. His father owned land, grew corn and other crops. He left in 2005 to work in Washington to make a living. Another member, a Triqui, left home in Oaxaca at age 9, worked in Baja California, and then began working on U.S. farms at age 15. Two other FUJ members, from the Mexican State of Jalisco, moved first to Delano, California. They worked there in grape harvesting, before moving to Washington.

For these farmworkers and their peers, agricultural exceptionalism translated into precariousness. Federal labor law exclusions of agricultural workers, immigration laws, and social norms combined to deny them economic, political, and social rights. The tenor of farm owner views of workers who established UFW was conveyed at a 1938 Convention of Fruit Growers and Farmers, "We want Mexicans because we can treat them as we cannot treat any other living men…We can control them at night behind bolted gates, within a stockade eight feet high, surmounted by barbed wire…We make them work under armed guards in the field" (quoted in Mitchell 2012: 56). The Filipino workers who later joined Mexican peers to form UFW were legally banned from inter-racial marriage through 1948. In the decade leading up to

UFW's emergence, poverty wages in central production counties of Tulare and Kings resulted in deaths from malnutrition, diarrhea, and starvation of farmworkers and their family members (Mitchell 2012: 130). As Mitchell (2012: 13) noted, then "[t]he immiseration of domestic workers was not a way of eliminating the bracero program; the bracero program was a means of assuring the immiseration of domestic workers. A federal Interagency Committee on Migrant Labor had already argued in 1947 that as long as there was "continued importation of foreign labor" conditions for domestic workers would not improve." The experiences shared by contemporary UFW, CIW, and FUJ workers evince that such expansion of the labor market has continued; as predicted, degrading conditions have continued.

Use of coercion and explicit slavery has deep roots in Floridian and the southeastern U.S. agribusiness, right through the contemporary period in which CIW emerged (Estabrook 2011: 73-95). In what is now Florida, Spanish, British and United States governments supported slavery, and the U.S. military secured land for white plantation owners by killing indigenous residents. By the start of the U.S. Civil War, 44% of Florida's 140,000 residents were slaves (Historical Census Browser, cited Sellers and Asbed 2011: 33). Enslavers there developed the "pushing system," a complex of violent labor-control practices including whippings and shootings to "extract the maximum amount of labor," the managerial innovation that transformed the U.S. South into industrial cotton agribusiness (Baptist 2009; 2014: 111-144). During the Jim Crow era, Florida had the highest per-capita lynching rate in the United States, and the convict-lease system functioned as the "new forced labor system" in which employers had no obligation to keep workers alive, instead followed the logic "One dies, get another" (Sellers and Asbed 2011: 34-35). Over the twentieth century, debt peonage was added to the forms of forced labor pervasively used in Florida, and by the time enfranchisement and civil rights legislation provided

a path out for African Americans, farm owners had begun securing a steady supply of disenfranchised, immigrant labor (Sellers and Asbed 2011: 36-38).

Between 1997 and 2010, the CIW's work led to seven prosecutions of fifteen employers for enslaving workers, thereby freeing a thousand workers (Sellers and Asbed 2011: 30). The slavery prosecutions in the 21st Century U.S. agribusiness indicate the ongoing use of physical coercion by employers to extract labor from workers persists. It has included fatal shootings of workers who demanded pay, threats of similar violence if workers complained to authorities, and locking workers in camps surrounded by barbed wire, the regularity of which led the chief U.S. attorney for southern Florida to declare Immokalee and its surroundings "ground zero for modern-day slavery" (Estabrook 2011: xv). Many workers had filed legal complaints with the support of legal advocates, particularly Florida Rural Legal Services. In the instances when complaints led to outcomes through the legal system, workers often recuperated some unpaid wages, but maximum fines, e.g. $500 for physically assaulting a worker, did not change employer or supervisor behavior. A female worker said that the women endured the abuse, because they had to provide for their children and family, but that "created a hostile environment…a woman cannot live suspending her dignity to be able to feed her family." Another woman recalled supervisors ordering women workers to go to another part of the farm, and then sexually assaulting them. As a male worker described the working culture at the time

> *"You are prepared to work very hard, but you don't come prepared to take all that was going on then, the supervisors' and contractors' yelling all the time. They never asked you something respectfully. They always treated you like an fool. Then all that verbal abuse was the daily bread, for men and women. But it was even worse for women,*

because anyone with a little power in the company would put his hands on our women coworkers. No one ever said anything, because if you said something, the next day you didn't have work, and she didn't have work. All that was part of what we had to take, apart from the bad wages and the extremes of slavery – there's nothing worse than that." – CIW (15-16 December 2018)

While some workers confronted such extreme violence, all of the workers interviewed at the three organizations all conveyed coercive conditions working outside the scope of UFW, CIW, and FUJ initiatives in contemporary U.S. agribusiness. Exposure to pesticides was a common concern. A CIW participant recalled his skin turning so hard, "like a tortoise shell," that he told his employer, who replied "'if you don't want to work, tomorrow I can bring two other people to replace you'" (CIW December 2018). Echoing the concern, UFW workers said that some non-unionized farms spray without notifying workers or informing workers about the chemicals applied. The residue remains on the plants, and the workers continually, directly contact the chemicals throughout their work in the field. One said,

"I've seen people vomit because of contact…one time only, I was close, and they sent the whole group to the clinic, dizzy, nauseous, vomiting, with headaches. The UFW contract puts limits like no spraying when we're there, and a required time after spraying, but still at times they spray, and it still affects us." – UFW Worker (20 December 2018)

Non-payment of wages was pervasive in the workers' experiences outside the UFW, CIW, and FUJ initiatives. In the tomato sector, piece-rates had not increased since the 1970s,

when in the 1990s employers decreased nominal wage rates by instituting a combined hourly and piece-rate system of compensation that reduced overall wages (Marquis 2017: 25). Many of the employers in Florida were not paying for all tomatoes picked by requiring overfilled buckets, and were paying total compensation less than the legal minimum wage of $4.25 per hour (CIW 15-16 December 2018). In California, UFW members also recounted non-payment for their labor. One said,

> *"The contractor would not pay for a bucket if he determined it lacked even a couple tomatoes. So he was taking the money and not paying us, and we were picking pounds that we weren't paid for. Contractor also treated us poorly. We couldn't really defend ourselves. The union helped us get better salaries and respect at our workplace. The same contractor is there." – UFW Worker (20 December 2018)*

The working conditions further degraded farmworkers. The physicality of working in crop fields, everyday, in all weather conditions, takes another toll. Idiopathic back and knee pain, slipped vertebral discs, type two diabetes, premature births, and developmental malformations have been observed as pervasive among field workers (Holmes 2013: 74). Housing, that can be afforded on farmworker wages, and that provided, in the case of FUJ members, lacks insulation and is often overcrowded. A CIW participant recalled first working at farms in North Carolina in the early 2000s and sharing a trailer home with 15 other people (CIW 15-16 December 2018).

The farmworkers endured such conditions because, as one of the workers interviewed recalled, "we did not have voice at work. You couldn't do anything, just put your head down, because if you said something, they would tell us, 'ok, if you don't want to work tomorrow,

don't come'" (CIW 15-16 December 2018). Lacking labor rights to negotiate improvements and political rights to gain protections, the farmworkers outside of the UFW, CIW, and FUJ initiatives continue to work in a position as unfree labor. Furthermore, as workers quickly learned when they organized, they faced an industry structured to extract capital from their employers. The first stage in farmworkers path away from such agriculture exceptionalism towards dignified employment relations was to build associational power. While emerging in different conjunctures, a similar process of associational power-building among UFW, CIW, and FUJ was equally critical to each organization.

Stage 1: Building Associational Power

When workers seek to change employment terms and conditions, developing associational power is essential. In the case of UFW, CIW, and FUJ, the process of organizing collective action involved both confronting the social constructs that employers used to divide them and developing a self-empowerment ideology. All three used the symbolic-power strategies of anti-racism and community decision-making, as well as material mutual aid. The strategy increased the organizations' strike leverage sufficiently to pressure employers, and in some cases win concessions.

Building Associational Power: the United Farm Workers

Community organizers founded UFW and imbued it with its praxis. Prior to the union, Cesar Chavez, Dolores Huerta and Gilbert Padilla worked with the Community Service

Organization, “the first enduring civil rights organization for the largest urban Mexican-origin population in the United States” (Bernstein 2011: 231). The deliberately interracial CSO was founded in 1947 in Los Angeles, grew to include 34 chapters and 10,000 dues-paying members by 1963, led voter registration and improved community infrastructure, immigrant access to citizen benefits, and brought about the first policy-brutality conviction in Los Angeles (Bernstein 2011). The CSO community-organizing praxis was to, in the words of its founder Fred Ross, “organize people where they are, not where you want them to be” in order to use the political power of organized communities to pressure elected leaders to represent them by addressing their issues (Garcia 2012: 25). In addition to the CSO, the NFWA and subsequently UFW implemented a social unionism that drew on the efforts of prior immigrant worker unions, *e.g.* the Amalgamated Clothing Workers organization of cooperative housing, unemployment insurance and a community bank for immigrant workers from Europe. Marc Grossman, press secretary, speech writer and aide to Chavez starting in the late 1960s, identified social unionism as essential to building the union’s power, and thus a main determinant of its success. The NFWA and then UFW established membership dues, as did the CSO and U.S. unions; death benefit insurance, a focus of Mexican *mutualista* organizations; a credit union; a cooperative gas station; and eleven service centers to address the needs of the farmworker community. UFW resulted from the merger of the NFWA with the Agricultural Workers Organizing Committee (AWOC), uniting workers of Hispanic (primarily Mexican) and Filipino heritage.

Part of the internal culture created by Chavez and embraced by hundreds of UFW staff and volunteers was dedication to the goal of improving farmworkers’ livelihoods. Participants and documentarists alike have highlighted what Grossman called “volunteerism” as central to UFW’s success. Throughout the 1960s and 1970s, for example, UFW staff and volunteers lived

on subsistence-level pay, and subsequently on modest salaries, to grasp the plight of financial poverty. According to Grossman (2014: xxi), volunteerism sustained the UFW, emblematically in 1973 when table-grape growers refused to renegotiate expiring contracts with the UFW and turned the contracts over to the Teamsters, and the UFW thus lost dues but carried on through the dedication of staff and donations from supporters.

Internal education and community outreach continue as part of the UFW's organizing strategy. During the NFWA years, the union began the practice of engaging farmworkers in their homes to discuss their concerns, and communicating among farmworkers with the newspaper *El Malcriado*, a name borrowed from Mexican Revolution newspaper which translates to "troublemaker" or "ill-bred" (Fuentes 2016: 90). To date the UFW continues community organizing. A current organizing director started organizing in Los Angeles urban communities before then shifting to the agribusiness center of the Central Valley. Organizing strategy is also influenced by the dispersion of workers. For example, thousands of workers at each table grape farm are spread across a 100-mile radius, and hundreds of workers at strawberry farms across a 30-mile radius. One means of worker outreach and education is *Radio Campesina*, launched in 1984 and now including 13 radio stations. Workers also use social media to communicate information about current job availability and wages and conditions via Facebook and other online applications (UFW 12 December 2018). Workers interviewed recounted participation in UFW through annual orientation at their workplaces, in meetings at the union's local office, and in union recognition and leadership elections. One of the workers described the importance of participating in the union, saying:

"We've gone to the marches, political campaigns – we're always looking for ways to inform the community. Often our community is scared and doesn't go out. They don't know their rights. So we speak to people and explain the rights and benefits they have, to not be afraid, that there are risks of this and that thing always, but the resistance is the key to success. If you don't resist, if you don't fight, you're not going to have anything in life. Where there is danger, yes, there's always going to be danger, but if you don't fight, you're going to stay in the same place where you are. We do discussions in homes and in the UFW office." - UFW Worker (20 December 2018)

Through the internal messaging of unity and empowerment, UFW has built the associational power necessary to act as a collective and influence employment relations. The UFW's first disruptive collective actions set their tone. In 1964, union leader Padilla led 300 families residing in the Tulare County Housing Authority farmworker housing camps to successfully strike for lower rent and construction of new facilities. The following summer, a strike led to the birth of UFW, broadening of direct action beyond the workplace, and union contracts. After grape grower J.D. Martin in Delano, California did not respond to workers' complaints of the lack of bathrooms and sexual harassment of female farmworkers, Padilla led the workers to strike, which ended without resolution. Yet AWOC leader Larry Itliong responded by leading AWOC members to walk out of nine vineyards in Delano, and then appealing to NFWA to join. On Mexican Independence Day in 1965, 1,200 NFWA members voted to strike. AWOC had struck regularly throughout the 1930s-1950s, but never convinced employers to sign a contract (Aroy 2014). Prior to striking, workers knew growers' likely response. AWOC and later UFW founder Larry Itliong's son recalled, "The first time I saw one

of the workers getting beat up I was probably about five years old. And, um, you know, being afraid, seeing the police come and, you know, harass some of the farmworkers. And, at a young age, saw a distinct line between white and brown" (Aroy 2014). On September 20, 1965, the unions led a strike of most grape farms in Delano, and the following year the unions merged to form the UFW.

The UFW has continued to use strikes to both increase associational power and pressure employers. An estimated 10,000 farm workers struck in 1970 and 1973, and both times, hundreds of workers were beaten. Police arrested more than 3,000 workers during the 1973 action alone (Grossman 2019). In 1979 a UFW strike of the vegetable industry achieved historically high $5 per hour wage rates in union contracts, partly by decreasing the lettuce supply by one-third, yet farm owners received more revenue than previous years by selling at a higher price, benefiting from relatively price-inelastic demand and reflecting a changing industry (Martin 2003: 164-5). Under the California Agriculture Labor Relations Act (ALRA), union recognition elections are required within 48 hours of a labor strike certified by the Agriculture Labor Relations board (ALRB). Since the ALRA's passage in 1975, the UFW has never lost an election that followed a strike, thereby building its membership.

Building Associational Power: the Coalition of Immokalee Workers

Turning to CIW's associational power building and use, its use of symbolic power also provided the foundation. The farmworkers selected the name to develop their ideology as a "coalition," referring to ethnic unity, "Immokalee" as their shared community, and "workers" as their shared economic class. Employers in Florida's tomato industry had long divided workers

according to perceived national origins, telling one group that another worked better. The workers began by convening the communities that predominated in Immokalee, immigrants from Mexico, Guatemala and Haiti. Farmworkers Cristal Pierre, Chavannes Jean Baptiste, Jean-Claude Jean, Pedro Lopez, Felipe Miguel, Lucas and Ramiro Benitez, Andres Lopez, and others met paralegals Greg Asbed and Laura Germino, U.S. citizens then working for Florida Rural Legal Services after having worked on community development projects in Burkina Faso and Haiti (Marquis 2017: 10-29).

Many of the CIW founders and subsequent participants had organized in their communities of origin under the praxis of popular education as developed by Paolo Freire (1970/2000) in *Pedagogy of the Oppressed* and widely adopted throughout the Americas. Under the approach, people work to counter oppression not *for* another but *with* each other - recognizing knowledge from experience, by analyzing power relations towards a "consciousness" about their relative position, facilitating participation with use of simple communication methods, and committing to collective action. The group in Immokalee learned from their respective experiences, including prior popular education work with the Mouvman Peyizan Papay (Peasant Movement of Papay) in Haiti and Comité de Unidad Campesina (Peasant Unity Committee) in Guatemala. The group started the community process of developing consciousness by showing pertinent films at a Catholic church in Immokalee, attracting the workers, many of whom attended the church and did not have televisions.[25] The CIW participants have viewed the issues they faced – including slavery, sexual assault, and wage theft – as community problems, to be addressed by uniting their community beyond the workplace. Therefore, they organized as a non-profit non-governmental organization (NGO)[26]

[25] A participant recalled seeing *El Norte*, *Tres Veces Mojado*, *Tigres del Norte*, and *Viento Negro*.
[26] Categorized as 501(c)3 under U.S. tax law

instead of a trade union, a decision also informed by their knowledge that U.S. labor law does not protect agricultural workers' collective bargaining rights, Florida's 'right-to-work' laws indicate lack of state-level support for unionization, and many had observed corrupt union behavior in their home countries.[27]

The CIW retains its identity as a community-based organization, its office located immediately next to the parking lot where farms pick up workers each morning, and welcoming any worker to seek its assistance, whether in agriculture, construction, domestic work or otherwise (CIW 15-16 December 2018). Conveying its messaging to participants and visitors, the sign above the CIW office door reads "CIW: We Are All Leaders," as shown in Figure 1. The walls inside are covered with similar messaging, such as "Coalition of Workers: From the Community, For the Community," as shown in Figure 2.

Figure 1: Coalition of Immokalee Workers office entrance.

[27] In 1995 CIW organized under the name *Proyecto de Trabajadores Agrícolas del Sureste de Florida* (Project of Agricultural Workers of Southeast Florida) and then changed the name to Coalition of Immokalee Workers.

Figure 2: Coalition of Immokalee Workers office wall.

The CIW ideology of community self-empowerment is also reflected in decision-making processes. Thirty to fifty workers participate in weekly meetings that have been convened since the coalition's establishment. At the weekly meetings, a CIW staff person said, "when we are going to do something, the idea is everyone's. It's customary to say that the Coalition is me, the Coalition is you, the Coalition is among everyone" (*Ibid*). CIW women also convene weekly meetings for women in the community. A participant described participation, saying "in general the workers are aware…many women have seen that now they don't have to be exposed to assault, or fear of rape, but still they know that other women workers are living this situation, and they want to continue fighting for protection" (*Ibid*). CIW also hosts classes, *e.g.* English language and sewing, as well as celebrations. Out of CIW's office, workers operate *Radio Conciencia* (Awareness Radio), a broadcast that notifies the community of events and has provided another way for workers to participate in CIW and gain new skills. (CIW 15-16 December 2018)

The CIW staff, almost all former farmworkers themselves, train workers on exercising their rights under the Fair Food Program at each participating farm, which is required to provide paid time for the education session. CIW staff travel to participating farms throughout Florida and up to the U.S. East Coast to farms in Georgia, South Carolina, North Carolina, Virginia, Maryland, and New Jersey. At the sessions, each worker receives a booklet and watches a video, both produced by the CIW, explaining their rights under the Fair Food Program (detailed below). As one CIW staff person, a former farmworker, said, "It's very beautiful, because you go and explain the rights that protect the workers…we are the same workers, that have participated in the work, we are the ones that participate in this education." As part of workshops and public demonstrations, CIW uses popular education tools, including graphics, facilitated reflection, theater, all designed to involve people in the activity. In six years of the FFP, CIW has provided training to 51,958 workers and distributed 220,050 FFP booklets, reinforcing the reach of the program.

Through these processes of uniting across ethnic groups and empowering its community, the CIW built power to influence employment practices. CIW's direct collective activity to achieve rights at work began in 1995. On November 11 that year, six hundred workers met in Immokalee and decided that no one would board the buses of a company in protest of its practices. The next day, 3,000 workers struck all the companies in the area, launching a weeklong strike of the Florida agricultural industry. At that time, the vast majority of agricultural companies picked up their labor daily from a single parking lot in Immokalee. The workers demanded direct dialogue with farm owners and wage increases. On day five, farm owners sent their labor contractors to pay out unpaid wages, and by day seven, companies told workers that they would increase baseline hourly wage rates to at least the legal minimum. Workers returned

to work, “And when we returned, yes they paid us what they said, and we were enthused, because we saw that yes you can achieve something” (CIW 15 December 2018). Empowerment led to further action. In response to wage theft complaints the Coalition accompanied the complainant in a march to the home of the contractor who owed the worker wages, gather members along the way, and loudly demand payment of wages owed, a tactic that collected $6,000 unpaid wages in 1996, according to a participant. Throughout the rest of the 1990s, the CIW struck, in some cases increased wages, but were unable to convince employers to negotiate.

Building Associational Power: Familias Unidas por la Justicia

The anti-domination drive of UFW and CIW was evident in FUJ’s associational power building as well. The indigenous traditions of the union’s members are central to its efforts, according to members. Most FUJ members are from the Triqui and Mixteco indigenous communities that live in the Mexican states of Oaxaca and Guerrero. Many were born on *ejidos*, the community-owned lands restored in the 1920 Mexican land reform law and dismantled under Mexican government reforms in the 1980s, and have travelled and worked together for years. Norms from this common heritage are evident. For example, whistles among the workers indicate discontent, and marked the start of the 2013 work stoppage. More broadly, the *tequio* is a tradition in both the Triqui and Mixteco communities of honor-based community work towards a public good (Madrigal 2013). Reflecting on their efforts, FUJ members emphasized dignity as their primary goal. It motivated and helped them overcome concerns about retaliation, given their position as indigenous, immigrant workers not covered by most labor laws. During an interview with FUJ president Ramón Torres, a photo fell out of his wallet, and I noticed it was an

image and quote of Emiliano Zapata, "*Mejor morir a pie que vivir arrodillado*" ("Better to die standing than live kneeling down"). The unity and pursuit of dignity provided the basis for direct action.

The FUJ's collective activity began during the 2013 berry harvest. Federico Lopez, then a berry picker worker at Sakuma Brothers Farms Incorporated, requested an increase in the piece-rate. Sakuma management said no. "[T]hey were paying $10 an hour, which they say is a lot. But they demanded fifty pounds per hour to get $10. For five pounds more there was a bonus of $1.50, or $11.50 an hour. Only the workers who work fast could get that, though," said Filemon Pineda, then fellow picker (quoted in Bacon 2016). The next day the same Lopez repeated the request. Management fired Lopez, claiming they had to under company policy against "intimidation, threats and violence in the workplace," although workers said that was unfounded, instead, some supervisors were sources of intimidation (Franks 2013). Management gave him a deadline to leave the cabin where he, like his coworkers, lived on company property. Ramón Torres, then a fellow berry picker and current FUJ President, reflected on the escalation of the conflict. "People are tired of low pay, but that's not all of it…People feel humiliated, and denied basic respect."

Lopez proceeded to ask his coworkers for help, and together the workers developed a plan to walk together from the fields to the company offices, talk to management, and prior, to call Community to Community (C2C),[28] whose director proceeded to the farm. By early

[28] Rosalinda Guillen established C2C. Guillen, who emigrated from Mexico with her family in the 1960s, worked as a child in Washington State farms. Later in life, she began working with UFW after assisting workers at the vineyard Chateau St. Michel when they struck, started a boycott, and affiliated with UFW when their employer refused to negotiate with an independent union. After visiting the model of the Landless People's Movement (MST) from Brazil, Guillen established C2C to adapt their ideas of a solidarity economy, *i.e.* communal land distribution and cooperatives leading reciprocity-based production and circulation. C2C emphasizes collective action, democratic decision-making, and community self-reliance, and organizes its work around farmworkers' expressed needs. The current five C2C staff support FUJ by providing access to educational opportunities, an attorney and staff member to help with administration of the union's contract, and services for members, *e.g.* interpretation, transportation, child

afternoon, 250 families had gathered, ready for the walk, and discussed the plan with C2C's director Rosalinda Guillen, who advised them that she would offer no instructions, instead guidance to support the workers' with their ideas. The workers developed a list of demands, including to reinstate the coworker fired that morning and to dismiss a supervisor who the workers agreed mistreated them. Then the families and their children, perhaps 400 people, walked to the company's office and presented their demands, and asked to speak with management, who asked to speak with a representative. The workers called out "Homey," their nickname for Ramón Torres, who told management the workers' demands. Torres recalled the day, saying, "Right away, democratic was the focus immediately, even though they didn't think of it conceptually, just that everyone needed to participate in decisions – majority or nothing. We didn't know anything about unions then" (FUJ 7 December 2018).

According to FUJ, within two weeks Sakuma refused to pay the negotiated, higher wage rate, and the lawyers informed the workers that the agreements were not legally valid. The management strategy had precedent. In 2004 Sakuma management made concessions to workers, and then retracted them.[29] In 2013, the workers consulted C2C and began to consider a strike and boycott, tactics they learned from watching and discussing films about the UFW. Then the workers voted to strike, determined that they wanted the organizational structure of a union, and voted for Torres to be president, Pineda Vice President, and additional peers to union committee positions. Approximately four hundred stopped working. The company paid some workers

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care. In the view of one of C2C's staff, their most important contribution to FUJ was confidence, which helped the workers take action despite the reasonable counsel of lawyers and other advocates who pointed out the obstacles to gains, *e.g.* the lack of legal protections. (C2C 5 December 2018)

[29] As Seth Holmes (2013: 177-180) documented, in 2004, Sakuma lowered the piece rate and fired workers for not picking a minimum weight. Workers walked out of the fields and presented a list of grievances regarding low pay, racist statements of supervisors, lack of lunch breaks, and discriminatory treatment, promotions of mestizo and Latino workers over indigenous workers. Management met with twelve pickers, and produced an agreement that all workers would be treated respectfully, pay would increase slightly, and 30-minute lunchbreaks, policies perceived as contractual by the workers and as a "memo" by management. The next season, the pay increase and lunch breaks disappeared.

higher rates to not strike. The workers organized a rotation for workers to work in shifts and sustain some revenue for both the workers and the company. After 22 days, the company called the FUJ committee to negotiate, but did not offer anything satisfactory to the workers.

Another component of the FUJ's development of associational power is to develop cooperatives to provide workers with alternative livelihoods.[30] As indicated in its name, the workers' *Tierra y Libertad* (Land and Freedom) cooperative is infused with symbolic power. The idea struck FUJ president Torres during the 2013 tour to launch a boycott. As he recalled, people often asked, 'where can we buy organic food?' He would reply that decent work is also important, and then could not identify a company to recommend. He said, "It all came together on the tour, the idea of organic food. We know how to grow it. Well, it's to have our own land, to not have a boss, not have a supervisor, not have a low salary, and to not be afraid of asking to leave work for an appointment. Now we're the ones who are going to manage." Another coop member noted, "Working in the fields can be beautiful. The idea is to undo managerial authority" (FUJ 4 December 2018).

To obtain land, C2C and FUJ together lobbied the Washington State Legislature to adjust the Communities of Concern Commission, established to grant funds to under-resourced communities, to issue grants with fewer strings attached (FUJ 3 December 2018). In 2016, the three founding member-owners adopted the name "*Tierra y Libertad,*" which has been associated with the revolutions involving peasants in Mexico, Spain and Cuba, and began renting

[30] Over a week in December 2018, I had an opportunity to visit the *Tierra y Libertad* cooperative. Throughout the day, the current worker-owners, additional FUJ members and I prepared the planted raspberry rows and planted a thousand of the 20,000 blueberry plants just purchased. The confidence and endurance of the coop and union members in the agricultural work was palpable. They knew precisely the depth of the roots, spacing of the plants, *etc.*, demonstrated pruning at a pace indicating their years of experience, and seemingly did not tire in the 40 degree weather. I followed their instructions precisely, conscious of the gaps between their expertise and strength on the one hand and my home-gardening and distance running experience on the other. The member-owners have also developed relationships in areas new to them, for example, working with a regional business center to develop their marketing strategy.

six acres. In 2018, they began a lease-to-purchase of 65 acres, on which raspberries were planted and they planted blueberries, and developing processes for member orientation and decision-making. The three current members expect more workers will join them, now that they have substantial acreage planted, and also expect that many workers at Sakuma will continue to work at the company, given the gains via collective bargaining. Over the next ten years, *Tierra y Libertad* plans to develop 100 acres with additional crops, including corn and vegetables, other linked cooperatives, *e.g.* a *tortillería* (corn tortilla maker), a training center including for English lessons, and housing. FUJ members and C2C staff all commented on the challenges for the cooperative, including seed funding and perhaps as significant, developing reciprocity-based social relations while being surrounded by competition-based relations, *e.g.* with banks.

The first moves by the UFW, CIW, and FUJ focused on internal unity, empowerment, and direct action. Prior to engaging in strikes, the UFW, CIW, and FUJ developed associational power on the basis of unifying workers who had been racially divided by employers, and by developing an ideology of collective empowerment. The process of striking appeared to bolster their unity, yet, like other farmworker strikes, the concessions won did not include recognition of their labor rights.

Stage 2: Building Coalitional Power

Recognizing the limits of strikes, the UFW, CIW, and FUJ all expanded tactics to boycotts. To do so, they had to build coalitional power, by developing alliances with non-farmworkers with the capacity and willingness to pressure their employers as consumers (Brookes 2013). This entailed a combination of public demonstrations, in which symbols and

language conveyed the message of farmworkers' presence, humanity, and economic significance. That is, the organizations pierced the veil of agricultural exceptionalism, under which the workers are invisible to society, and made themselves, the abuses suffered, and their proposals for labor standards in agribusiness all visible to the broader society. By doing so, they gained support of consumers, who are also citizens, for their demand for rights protection.

Building Coalitional Power: the UFW

La Causa emerged as UFW's collective-action combination of strikes, boycotts, and public demonstrations to pressure employers. As the 1965 harvest neared its end, the union launched a boycott and marched from Delano to the California State capital Sacramento. Luis Valdez, a Delano native, helped develop the narrative of *la causa* by creating Teatro Campesino, a theater group that staged productions characterizing the workers' struggle with their employers, and writing "El Plan de Delano," which outlined a march from Delano to Sacramento and drew on Catholic religious symbols of sacrifice and piety (Garcia 2012: 51). At each action, the UFW flag flew, displaying the black Aztec eagle of pride in the power of Mexican indigenous communities, encircled by hopeful white, in the red of degraded bodies of field workers (see Figure 3). UFW president Chavez emphasized nonviolence as a necessary and potent strategy. UFW President Cesar Chavez drew on Gandhi's 1930 salt boycott and the 1955-56 Montgomery bus boycott to lead UFW boycotts, calling "the American people 'our court of last resort'" (Grossman 2014: xx). Chavez knew that growers controlled California's economic, judicial, law-enforcement, political and social institutions, and agricultural workers would lose if they restricted their scope to the fields, so he led the alliance building that became an international

boycott for *La Causa* (Grossman 2014: xx). As violence against strikers led to a debate over tactics within the UFW, in 1968 Chavez undertook a fast for 25 days to commit the organization to nonviolence. In 1969, Chavez wrote to the California Grape and Tree Fruit League, "If to build our union required the deliberate taking of life, either the life of a grower or his child or the life of a farm worker or his child, then I choose not to see the union built," and called off strikes after strikers were killed in 1973 and 1979 (Grossman 2014: xix). Nonviolence was both necessary in the face of growers' control over government institutions statewide and reflective of UFW's use of symbolic power. During the boycott, the UFW also produced evidence that grapes contained Aldrin, a neurotoxin used as an insecticide after World War II until its prohibition in 1970 (ATSDR 2002), linking farmworker and consumer safety concerns. As during the Civil Rights bus boycotts, violence perpetrated towards the farmworkers communicated their disempowered, unprotected position to society beyond the farm.

Figure 3: The UFW flag

The UFW developed boycotts by analyzing chokepoints in agribusiness distribution chains and organizing committees to lead the effort through North America and parts of Europe. Research by UFW volunteer and later staff member Jerry Brown contributed to a mapping of grape distribution, sales and consumption (Garcia 2012: 47-49). The UFW assigned striking workers and later union staff to cities to organize boycott committees composed of labor,

religious, student and other community-based activists. Committees engaged unionized longshoremen to refuse to load and unload grapes, and "jobbers," middlemen between the producing companies and their retail buyers. The boycott extended to Europe, where UFW volunteer Elaine Elinson convinced the Transport and General Workers Union of England, and the Swedish Trade Union Federation to cooperate with the boycott, then the International Union of Food and Allied Workers global union federation to help to extend the shipping blockade in Europe.

The UFW succeeded with boycotts also by strategically selecting agribusiness targets. The UFW estimated that its boycott led to a 20% drop in the price of grapes, driven by a 24% drop in per-capita table grape consumption in the United States and Canada, with an estimated 12% of U.S. consumers not purchasing grapes in the late 1960s and early 1970s (Majka and Majka 1995: 12; Garcia 2012: 54, citing UFW archives). The union first succeeded with wine-grape farms owned by multinational corporations with diversified, primarily non-agricultural revenue sources, most prominently DiGiorgio Corporation, Perelli-Minetti, and Schenley Industries.[31] To protect its consumer facing brands, Schenley had previously negotiated with the NFLU in 1952, and was the first company to recognize the NFWA in 1966, under an agreement that increased wages, created a union-run hiring hall, and provided workers access to a union-administered credit union (Garcia 2012: 56). DiGiorgio and Perelli-Minetti initially sought to divide labor by seeking agreements with AWOC and the Teamsters. The companies' attempts backfired; they contributed to the AWOC-NFWA merger into the UFW and an agreement

[31] Joseph DiGiorgio established DiGiorgio Fruit Company in 1919 with 5,845 acres, and the company expanded to become the largest grape, plum and pear grower in the world by 1946, and by 1967 the DiGiorgio Corporation, self-described as 98% nonagricultural, a "publicly held, profit oriented processor, distributor, and marketer of foods" (Garcia 2012: 12; 49). Lewis Rosensteil established Schenley Industries in Schenley, Pennsylvania, initially producing and selling 'medicinal' whisky during Prohibition, and the company invested in land in the San Joaquin Valley, California in the 1940s but accrued most revenue from liquor sales, global as of its 1969 decision to distribute to the Japanese market (Garcia 2012: 49-50; Yuracko 1992).

between the UFW and Teamsters that the UFW would represent field workers and the Teamsters would represent workers in canneries, packinghouses and freezers.[32] After the first three, other large California wineries followed suit and signed contracts with the UFW. Table grape farms that first recognized the UFW were the David Freedman Ranch, the largest in Coachella Valley, followed by most Coachella farms, and then John Guimarra, owner of the largest farm in the San Joaquin Valley, followed by most San Joaquin farms (Garcia 2012: 108-110). Owners of smaller farms that were not part of larger conglomerates were primarily first- or second-generation immigrants from Europe and Japan, and they increased their cooperation in farm-owner associations that continued union resistance, *e.g* .the South Central Farmers Committee (SCFC) (Garcia 2012: 58-59).

In recent decades, the UFW has continued marches and boycotts. In 1994, newly elected president Arturo Rodriguez, son-in-law of Cesar Chavez, led a march from Delano to Sacramento, recalling the 1965 march, and gaining 5,000 worker membership signatures. The union continues forming consumer support committees by sending staff to engage communities and increasingly by using social media (UFW 11-12 December 2018). According to an UFW official with experience with both outreach methods, physical presence offers deeper engagement while social media allows broad outreach to more people, with the caveat that they may not show up where you need them (UFW 11 December 2018). As part of its coalitional power building, the UFW also participates in the Change to Win strategic organizing center with the Teamsters, Service Employees International Union (SEIU), and Communication Workers of America (CWA).

Building Coalitional Power: the CIW

[32] With Teamsters 1973, the IBT broke this agreement.

In the case of CIW, the expansion from strikes to coalitional-power building tactics boycotts began the year after their first strike. During the 1996 tomato season, a supervisor beat Edgar, a sixteen-year old farmworker from Guatemala, after refusing his request to drink water. CIW organized a boycott of the labor contractor concerned and a "March Against Violence" under the principle that 'to beat one of us is to beat us all' (Marquis 2017: 27; CIW 15-16 December 2018). Two weeks prior to Christmas of 1997, CIW led a hunger strike by six worker participants, again demanding direct dialogue with farm owners. After thirty days, former U.S. President Jimmy Carter and multiple religious leaders committed to accompanying the CIW in its broader struggle if the hunger strike stopped, and then Florida Governor Lawton Childs acknowledged the workers' action. The farm owners never responded. CIW's Benitez reflected the contrasting responses. "We knew that it might end like that, but we didn't know it was going to be so ugly. But all the same, they were paying attention to Immokalee…we managed to break the barrier of isolation." After another work stoppage in 1999, CIW organized a 230-mile march from Fort Myers to Orlando, Florida, which again the farm owners ignored while public awareness of CIW's struggle increased (CIW 15-16 December 2018). The marches and fasts made the workers visible beyond the farm, but employers persisted in refusing to negotiate with CIW.

At a weekly CIW meeting in 2001, workers discussed a newspaper report that Florida farms sold tomatoes to Taco Bell at 'a reasonable price,' and reflected, "'reasonable price' means cheap price, and who pays for this cheap price? Not Monsanto, not John Deere, not the gas company; it's only us." CIW sent a letter to Taco Bell, and the fast-food company did not respond. A Coalition participant proposed boycotting Taco Bell, relating his experience in a

successful boycott in Oaxaca, his home state in Mexico. The CIW participants discussed the idea over several meetings and concluded that improved working conditions required the participation of buying companies. Outside a Taco Bell in Fort Myers, CIW announced its boycott of Taco Bell, the first target of its emerging Campaign for Fair Food (CIW 15-16 December 2018). The message from the farmworkers to potential allies, as conveyed on the signature wall in CIW headquarters (Figure 4), was, “We are not tractors. We are human beings. We deserve respect and dignity.”

Figure 4: The Coalition of Immokalee Workers office wall mural, conveying the farmworkers’ message to society: “We are not tractors. We are human beings. We deserve respect and dignity.”

The CIW then took the campaign nationwide with the first of ongoing Fair Food Tours. The coalition had planned to depart for Taco Bell’s headquarters in California on September 12, 2001 but postponed out of respect for all who lost loved ones in the acts of terror in the United States the day before. In 2002, the CIW travelled for seventeen days, and despite mounting anti-immigrant rhetoric around the country, found welcoming communities across the country,

founding-participant Lucas Benitez recalled. In each city CIW conducted an action and organized a boycott committee. University students formed the Student/Farmworker Alliance, and concerned religious leaders of multiple denominations organized a parallel national support network, eventually uniting as the Alliance for Fair Food (Marquis 2017: 65). Benitez recalled the depth of the relations formed; for example, diverse ethnic-based student organizations at UCLA united around the Fair Food Campaign, in a sense replicating the coalition's first strategy. The National Economic and Social Rights Initiative (NESRI) helped expand the boycott throughout its networks, leading many human rights NGOs to sign letters and support the campaign (NESRI 4 October 2018). With legal counsel, particularly CIW's general counsel Steve Hitov since the early 1990s, the coalition increased public pressure and avoided arrests (Marquis 2017:65-67). Throughout CIW campaigns, the coalition has worked with and been supported by unions, including, at different times, the United Farm Workers, Farm Labor Organizing Committee and the United Food and Commercial Workers, and exchanged ideas with other innovative campaigns, e.g. the SEIU's Justice for Janitors campaign (CIW 15-16 December 2018). On March 8, 2005, Taco Bell's parent company Yum Brands signed an agreement with CIW. Benitez remembered the signing at the parent company's headquarters,

> *"we workers got off the buses, humbly dressed in our best clothes – but at the end of the day we're poor people, to enter this white building that looks more like one of those from the time of slavery. Entering there was an opening, not only for me, I think for all of us; I compared it to when man landed on the moon, and said, 'one small step for man, one giant leap for mankind.'"*

In the following three years, the Coalition signed agreements with fast-food restaurant companies Yum Brands (owner of Taco Bell, KFC and Pizza Hut), McDonalds and Burger King. The agreements with buyers led to agreements with farm owners, and by 2011 the CIW signed agreements with farm owners accounting for 90% of the Florida tomato industry. As of the first quarter of 2019, the CIW had agreements with 17 tomato, pepper and strawberry producing companies that sell to 5 retailers, 7 fast-food franchises, and 4 food-service companies.[33] The Coalition's Fair Food campaigns have now focused on the fast-food company Wendy's and retailers Comida Fresca, Kroger and Publix. The Florida-based Publix has refused, which CIW staff attribute to its embeddedness in the state's persistent culture of racial and class hierarchy (CIW 15-16 December 2018). With the Alliance for Fair Food, CIW has led a "Four for Fair Food Tour" to four universities, calling for a boycott of Wendy's. The company has refused, initially by shifting purchasing to Mexico and, following exposés of child labor and poor conditions, announced a shift to greenhouse tomato suppliers in the United States and Canada. Sustaining pressure that brings companies into the FFP is a challenge. After expanding the FFP to cover most of the tomato producing industry on the U.S. East Coast, campaigns appear to be taking longer.

Building Coalitional Power: Familias Unidas por la Justicia

[33] Fair Food Program participating buyers include retailers Walmart, Whole Foods, Giant Stop & Shop, Trader Joe's, and The Fresh Market; fast-food companies Subway, Chipotle, Burger King, McDonalds, KFC, Pizza Hut, Taco Bell; and institutional food service companies Sodexo, Aramark, Compass Group and Bon Appétit Management Company. Participating tomato farm companies in Florida are Ag-Mart/Santa Sweets, Classie Growers/Falkner Farms, Del Monte Fresh Production, DiMare Homestead, DiMare Ruskin – HarDee/Diamond D and Triple D, Farmhouse Tomatoes, Gargiulo, Harllee Packing – Palmetto Vegetable Company and South Florida Tomato Growers, Kern Carpenter Farms, Lipman Family Farms, Pacific Tomato Growers/Sunripe, Taylor and Fulton Packing – Utopia Farms, Tomatoes of Ruskin – Artesian Farms, Diehl and Lee Farms, Frank Diehl Farms, TOR Farms, and West Coast Tomato/McClure Farms. And in other states are Ag-Mart Produce/Santa Sweets (North Carolina and New Jersey), Gargiulo (Georgia), Lipman Family Farms (South Carolina, Virginia, Maryland), Pacific Tomato Growers/Sunripe (Georgia, Virginia). The participating strawberry farm company is Pacific Tomato Growers/Sunripe, and green bell pepper farm is Lipman Family Farms.

Similar to the CIW's expansion of tactics, the FUJ moved from strike to boycott following employer reactions to its strike, in the case of FUJ, non-implementation of agreements made during the 2013 strike. The workers to vote to organize a boycott (FUJ. 2018). While the workers conducted additional short work stoppages, e.g. to increase the piece-rate during the 2016 harvest (Skagit County Herald 2016), they turned increasingly to other tactics. Over the next year and a half, FUJ expanded a boycott, filed multiple lawsuits against Sakuma's behavior, and convened regular meetings of its members.

In an escalation reminiscent of the UFW and CIW, FUJ president Ramón Torres and C2C's Edgar Franks together traveled and formed boycott committees, first in Bellingham, the nearest city to Sakuma's berry orchards, and home to Western Washington University and multiple colleges, then down the West Coast to San Diego, and across the country with the support of the Food Chain Workers Alliance (FWCA). The FUJ formed 40 boycott committees in total and organized public demonstrations, including at the headquarters of Sakuma's primary buyer Driscoll's. Initially, the FUJ boycotted only Sakuma, which sold berries regionally under its own brand, and broadened the boycott to its buyers when it learned that they were selling more to them. At the time, Sakuma was selling about 70% of its product to Driscoll's, 30% to Häagen-Dazs, and the union suspected but could not confirm some sales to Yoplait. Other unions provided support, including the UFW, carpenters, firefighters, hotel workers, nurses, steelworkers, and teachers. For example, dockworkers refused to unload boxes of berries, which were sent back to Driscoll. The FUJ joined the Food Chain Workers Alliance, a coalition of organizations striving to improve wages and working conditions across the food chain and whose members include workers involved in planting, harvesting, processing, packing, transporting,

preparing, serving and selling food. FCWA member Fair World Project helped with a petition to the companies, which 30,000 people signed. Through the workers' roots and position in the berry industry supply chain, FUJ is also connected with Sindicato Nacional Independiente Democrático de Jornaleros Agricolas (SINJA, the National Independent Democratic Union of Farm Workers) in the San Quintin Valley of Baja California, Mexico.[34] The FUJ also affiliated with the AFL-CIO as an independent trade union, and participates as a voting member in the federation's Washington State Labor Council. Although workers at Sakuma voted for the FUJ to be independent instead of affiliating with the UFW, the FUJ continues communication with UFW, particularly through a new UFW office in Washington State.

Figure 5: FUJ member messaging to allies during a demonstration (photo credit: FUJ)

[34] In 2015, thousands of workers organized a work stoppage and joined the boycott of Driscoll to demand wage increases from MoraMex, their employer. MoraMex, a berry company, is owned by the Reiter family, which owns Driscoll. Many of the workers are also from Triqui and Mixteco communities of southern Mexico, and some have family who are FUJ members. In response to their 2015 work stoppage, police beat and shot some strikers. The SINDJA workers persevered and convinced the government to raise the minimum wage for Baja California and to recognize their union, but MoraMex has not agreed to collective bargaining. The two unions FUJ and SINDJA met to exchange ideas in the fall of 2018, in a meeting supported by the Solidarity Center of the AFL-CIO and UCLA Labor Center. As SINDJA president Abelina Ramirez explained, the issues cross borders, e.g. SINDJA members have been blacklisted from H-2A jobs, raising the urgency of cross-national solidarity among the unions. (Bacon 2018)

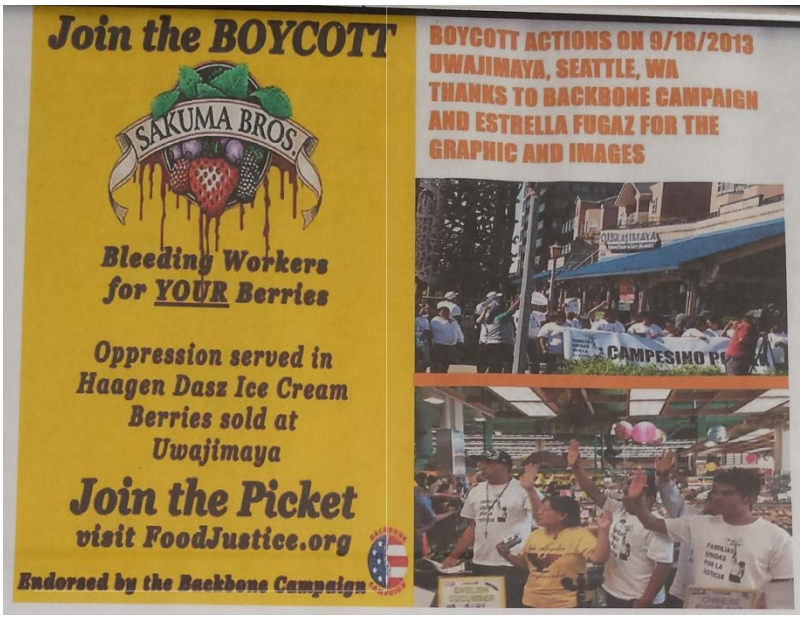

Figure 6: FUJ poster invitation to join the boycott, because "Sakuma Bros." is "Bleeding Workers for YOUR Berries," set against photos of FUJ members with banner "Campesino Power" (photo credit: FUJ)

Also echoing struggles of the UFW and CIW, as FUJ gained power, the employer sought to discredit the union as unrepresentative of the workers. Sakuma invested in advertising, including a "I love berries" campaign with the state farm bureau. Company President and CEO Danny Weeden called FUJ's representation of the workers into question, and spokesman Roger Van Oosten said, "Their application to be a negotiating agent for workers is false. They do not have that right, and they can't get that right." In a back-and-forth, FUJ President Torres stated, "We are a legal, independent recognized union by the Washington State Labor Council," to which Van Oosten called the Council's recognition "not an official designation" (Stone 2016). The Sakuma spokesman also sought to invalidate FUJ's demands, saying,

> *"We are a five-generation farm owned by Japanese-Americans who were interned in the second World War, so they know a lot about mistreatment. They understand that. While they were interned, five of those Sakuma brothers volunteered to be in the Army even*

though they were being interned in California. We're dealing with people that understand justice and injustice."

According to FUJ, the company also gave donations to local religious and other community organizations, many of which then refused to participate in the boycott, and put out misinformation about the FUJ president. On the other hand, local police expressed respect for the union. The week prior to its union election, FUJ called off the boycott, stating (Villeneuve 2016):

Dear Supporters:

As of today, Sakuma Brothers Farms and Familias Unidas por La Justicia have mutually agreed to conduct a secret ballot election within the next 8 days. The election will determine if the employees want to be represented by Familias Unidas por La Justicia in collective bargaining with Sakuma Farms.

Thanks to your tireless efforts we are entering into this next phase of our union's development with hope and determination. At this time we are calling for an end of the boycott, and all boycott activities. Out of respect for the process and our memorandum of understanding with the company please do not contact past, present or potential customers, purchasers, sellers or users of products coming from Sakuma Bros Berry Farm to convey criticism of any and all aspects of Sakuma's business and operations. Please stay tuned at the Familias Unidas por La Justicia Facebook page for updates.

Gracias,

Ramon Torres

Felimon Pineda

On September 12, 2016, more than 77% of workers at Sakuma voted for FUJ to represent them for collective bargaining with the company. Private arbitrator Richard Ahearn, former regional director of the NLRB, supervised the election, and counted ballots in the local schoolyard, because Sakuma management would not permit the election to proceed if Torres was on company property.

During stage 2, the UFW, CIW, and FUJ all built sufficient coalitional power to convince employers to sign binding agreements with them. All three cases demonstrated that agribusiness's capacity to retain a denizen labor market is contestable. Each organization leveraged the structural impediments to profit, particularly proximity to market, that the industry has otherwise overcome to a significant degree with unfree labor. In the cases of the UFW and FUJ, the decision by employers was recognition of the farmworkers' union. While the CIW did not demand recognition as a union, it succeeded in establishing enforceable agreements with employers.

Stage 3: Building Institutional Power with Agribusiness

Having demonstrated their capacity to disrupt the valuation processes of farms and the companies they supply, the UFW, CIW, and FUJ worked to address employers' extraordinary high relative power by establishing enforceable employment standards. They negotiated agreements to institutionalize protections of the rights they won through strikes, boycotts, and

corporate campaigns. In this sense, the three organizations mitigated the imbalance of structural power between the farmworkers and agribusiness. By establishing binding agreements with relevant companies, the UFW, CIW, and FUJ developed institutional power in the form of employer cooperation as a further resource to improve working conditions. Just as symbolic power catalyzed organizational and coalitional development by changing farmworkers' consensus from disempowerment to empowerment and social allies' consensus from 'food without farmworkers' to solidarity, it fueled institutional power building. While economic pressure from strikes, boycotts, and campaigns against their reputations certainly brought the companies to the table, those companies that did encountered cooperative messages from workers able to cooperate because their demonstrated power to change employers' behavior opened up possibilities of "positive class compromise" (Wright 2000).

Building Institutional Power: UFW Collective Bargaining, the Equitable Food Initiative, and CIERTO

Since achieving recognition from agribusinesses as a union representing farmworkers for the first time in 1966, the UFW has established two primary institutional mechanisms to improve terms and conditions of employment, collective bargaining agreements and statutory regulations in the State of California. When the UFW convinced the largest grape farm in the San Joaquin Valley to negotiate, then UFW president Chavez and general counsel Jerry Cohen negotiated a condition to lift the boycott if he convinced the rest of the Delano-area growers to sign contracts with the UFW (Grossman 2019). The first agreement with a company by UFW laid the foundation for its development of institutional power. In 1970, the UFW signed CBAs with table

and wine grape farm owners, under which an estimated 45,000 workers would receive hourly and piece-rate wage increases, restrictions on use of pesticides and labor-replacing machinery, union-administered hiring, employer contributions to the union-administered Robert F. Kennedy Medical plan (Majka and Majka 1995), the first and nearly fifty years later apparently the only employer-contribution health insurance program for U.S. farmworkers. Two years later, the UFW signed a CBA with the Coca-Cola Company covering workers at Minute Maid orchards in Florida, a contract that lasted until Coca-Cola sold Minute Maid in 1997. By 1973, the UFW represented 67,000 farmworkers under 180 union contracts covering 40,000 jobs at grape, vegetable and fruit farms.

In 1975, the UFW helped to establish the Agricultural Labor Relations Act (ALRA), which established state-level government protection of collective bargaining rights for agricultural workers in California.[35] On the California State level, the ALRA is like the NLRA in that it is administered by a board, the Agricultural Labor Relations Board (ALRB), whose members are appointed by the executive branch, the state governor, and differs substantively (Daniel *et.al*. 1991; Martin 2003; Alatorre and Grossman 2016: 191-193). First, the ALRA supports industrial unit collective bargaining and not craft unit bargaining. Therefore, the ALRB recognizes single bargaining unit for a company, requiring the union to reconcile differences in workers' interests, *e.g.* between seasonal and year-round employees.[36] Second, the ALRA requires that union representation elections take place within seven days following an ALRB

[35] The ALRA states "It is hereby stated to be the policy of the State of California to encourage and protect the right of agricultural employees to full freedom of association, self-organization, and designation of representatives of their own choosing, to negotiate the terms and conditions of their employment, and to be free from interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection" (CA Labor Code § 1140.2).

[36] The ALRB permitted two bargaining units at the Coastal Berry company's geographically far apart facilities, with the independent Coastal Berry Farmworkers Committee representing 800 workers in Watsonville, northern California and the UFW representing 700 workers in Oxnard, southern California.

certification of an election petition, and within forty-eight hours following the ALRB's certification of a strike. Third, the ALRA has a peak-season requirement, that elections are held only when at least fifty percent plus one of the peak-season workforce is employed, in order to avoid disenfranchising seasonal workers. Fourth, the ALRA permits secondary boycotts, meaning that a union representing agricultural workers in California can ask consumers to not buy a farm's product and to not shop at another company that sells the farm's product, so long as the union is the elected bargaining representative of the farmworkers concerned and communicates that the labor dispute at the farm is the motivation for boycotting the store (Martin 2003: 145). Fifth, The ALRB prohibits voluntary recognition of a union by an employer, to avoid company-controlled unions. Sixth, the ALRA requires make-whole remedies, including payment of back pay, for unfair labor practice findings of bad-faith bargaining by employers.

In addition to collective bargaining rights, the law protected union hiring halls and secondary boycotts, and provided ALRB-supervised elections in a short time period (Daniels 1991: 69-71; Martin 2003: 97-98; Garcia 2012: 147). The law also includes 'strike elections,' meaning the ALRB will schedule and supervise a union-recognition election within forty-eight hours of certifying that a majority of the workers are on strike (ALRA §1156.3 (a)(4)(b)). The UFW has successfully employed such ALRA provisions and amended others. In 2002, the UFW convinced the California legislature to legally establish "mandatory mediation," which went into effect the following year. The union lobbied for the law to address the issue that 45% of successful elections had led to a collective bargaining agreement between 1975 and 2001; as the last straw, the Pictsweet mushroom company had avoided bargaining and unlawfully supported union decertification efforts for thirteen years (Martin 2003: 79). A UFW official explained that the law mandates binding interest "mediation" to overcome an impasse after the parties have

negotiated for sixty days (and an additional thirty by mutual agreement), and the "mediator" provides a recommended contract settlement to the ALRB for potential modification, affirmation and an implementation order (UFW 11 December 2018). The process is called "mediation" instead of the technically accurate name of arbitration, because "'arbitration' had a bad tasted in people's mouth, but folks were fine with 'mandatory mediation'…means the same in this case" (UFW 11 December 2018). Given employers' use of the appeal process, which results in two/three-year delays – longer if appealed to the state supreme court, which nullify contract provisions' relevance, especially wage rates, the UFW is working to reform the law to require employers to put money in an escrow account and to provide the union the right to update the contract with the same mediator controlling the process.

Using the institutionalized collective bargaining mechanism under the ALRA, the UFW has negotiated several new union contracts in recent decades. In the 1990s, the union expanded into new sectors, with contracts covering rose production workers (400 year-round and 1,400 total at peak season) at Bear Creek Production Company, and strawberry workers at Oceanview, a Dole subsidiary, and VCNM. While Oceanview and VCNM left the strawberry industry, workers at Coastal Berry (then Garguilo, a Monsanto subsidiary) elected UFW to represent them in southern California and an independent union Coastal berry Farmworkers Committee in the northern part of the state, where workers were wary that UFW membership would disrupt their relationships with their foreman, who were also labor contractors and thus their source of employment (Martin 2003: 79-80, Guara and Hendricks 2003). Later, UFW signed a contract with Coastal Berry covering all 800 of the workers (Guara and Hendricks 2003). In 1995 in Washington State, UFW negotiated a contract covering 200 workers at the state's largest winery, Chateau Ste. Michelle (Martin 2003: 87). In 1996, UFW negotiated a contract covering 450

lettuce harvesters at BCI, raising wages, although the company then reduced its employment in 2001 (Martin 2003: 79). The majority of UFW contracts negotiated in the 2000s have been with farms that tend to hire workers for longer seasons, *e.g.* year-round in mushrooms or partially year-round in flowers (Martin 2003: 79). For example, UFW represents approximately 75% of mushroom workers in California (UFW 12 December 2018).

At the end of 2018, the UFW was administering thirty-two contracts, covering 29,000 workers on average over the course of the year, averaged, because some contracts are with farms that have short periods of labor demand, *e.g.* four to five months in table grapes (June – October) or citrus (October – January). The UFW contracts include substantial benefits. According to a UFW official, a current contract with Gallo covering grape pickers at its farms in Napa Valley, California increased the workers' earnings by $1.35 per hour, an aggregate increase of $1 million per year (UFW 11 December 2018). The official calculated that a contract for 150 grape pickers in Washington amounts to $2 million per year for the workers, including wages, health care – including medical, and dental, pension and 15-paid holidays (*Ibid*). In the year-round mushroom sector, workers under UFW's three contracts earn on average $45,000 per year in addition to benefits, according to a union official (UFW 12 December 2018). In 2012, the UFW turned its focus to tomatoes, due to a seven cent wage increase over thirty years, and increased wage rates by 42% for 30% of the workers in the industry during the six years since (UFW 11 December 2018). In 2018, UFW renegotiated a contract with D'Arrigo Bros, a large vegetable grower, in which the company agreed to pay fully for medical, dental and vision coverage for the 1,500 workers covered.

In terms of contract enforcement, since the 1970s the UFW has used a system of farm-based worker committees, which function as liaisons between rank-and-file members at the farm

and UFW staff. Reflecting on negotiations and contract enforcement, a UFW worker committee member said, "When there's a problem, but when they treat us well, we don't do anything," adding that negotiations sometimes went quickly and other times have lasted a month. The worker added that other times, the union uses work stoppages to support negotiations or contract enforcement. Another worker estimated 3-4 grievances per season, usually about dismissals or not rehiring workers, and a third worker said that dismissals and discrimination are common. When a grievance arises, workers from the farm and a UFW staff person together talk to management to resolve it.

In its fifth decade, the UFW embarked on another form of institutional power building based on employer cooperation (Wright 2000; Gumbrell McCormick and Hyman 2013), by establishing the Equitable Food Initiative (EFI) in collaboration with fellow unions Farm Labor Organizing Committee and *Pineros y Campesinos Unidos del Noroeste,*[37] NGOs, and agribusinesses. a private regulation system as an alternative mechanism for establishing and enforcing labor standards at farms. According to a UFW and EFI board member, EFI responds to the global structure of agribusiness and limited progress of efforts to unionize U.S. agricultural workers and improve conditions through collective bargaining. As he recounted, the industry is consolidated and globally organized. He estimated that fifty percent of food consumed in the United States is sold by 5-6 companies – Wal Mart, Costco, Kroger, Albertson's, Target and Ahold – and noted that farm owners no longer sell directly and negotiate price points with multiple grocery stores; instead the farms are suppliers and price takers from consolidated retailers. In the case of apples, he estimated 11 cents of each dollar in the supply chain is retained at the orchard. In the UFW's experience, a unified, cross-national union movement has not emerged in agriculture, and since the 1970s, only three unions – UFW, Farm Labor Organizing

[37] PCUN, translated from Spanish to English as Forestry and Field Workers of the Northwest

Committee (FLOC) and Familias Unidas por la Justicia (FUJ) – have represented workers for collective bargaining, and their 150 years of work has achieved an estimated two percent union density in the national sector, and suffered the murders of six union activists. Considering workers' purchasing power, the UFW realized that an $3.25 hourly wage rate negotiated in the early 1970s should be $19 in 2016, adjusted for inflation, yet employers were paying minimum wage of $7.25 or slightly more, while the gaps between union and non-union workers' purchasing power was increasing. Given these observations, the UFW helped create and continues to lead the multi-stakeholder EFI (UFW 7 November 2018).

The EFI seeks companies' participation by proposing the program to an agricultural producer and buyer company as a means to increase profitability, and if either company is not inclined, "highlighting the human cost of profitability" in its operations or supply chain, to the public. However, according to a UFW official, public pressure campaigns to get companies to participate are limited by competition for any given person's attention. Some companies are motivated to participate as a coordination strategy to address the risks of increasingly scarce land, water and, according to the companies, labor, according to the UFW official.

When a company joins EFI, it commits to certify that 100% of production operations comply with EFI standards, including directly hired and subcontracted workers, and it gains the ability to use the EFI label "Responsibly Grown, Farmworker Assured." Companies hire an EFI-approved audit firm to conduct a social audit of its operations in order to obtain certification. If auditors find instances of non-compliance with the EFI standards, the company is to follow a plan to come into compliance, and if the auditors report evidence of employer attempts to manipulate the audit, *e.g.* falsifying records or coaching workers on what to tell auditors, than EFI can suspend the employer's certification. Compliance with EFI standards depends on worker

participation, *i.e.* communicating non-compliance with the EFI standards. Thus, EFI certification requires 40 paid hours of training for workers. Workers can communicate non-compliances to auditors and to "leadership teams," which are joint worker-manager committees required at each participating farm. The teams are comprised of representatives of each stage of the production process who are responsible for raising workers' issues for the team to address. EFI trains the teams to resolve conflicts, and are expected to work out their own resolutions (UFW 7 November 2018).

According to the UFW official involved, EFI differs from most certification and labeling initiatives, which have "certified immiseration" and falter by focusing on "righteousness" and failing to engage workers (UFW 20 November 2018). The official argued that EFI focuses on improvements for workers by engaging them in changing the design of the workplace. The EFI goal is to shift the focus of the agricultural industry towards product quality, he said. For example, in the strawberry industry, some workers are paid to pick by volume and others to remove bad berries, pitting the pickers' and selectors' interests in tension, whereas, if the pickers are trained to pick for quality berries, they are more likely to report food-safety risks, *e.g.* presence of deer droppings that can contaminate berries with e-coli. This link to food safety can attract farm owners, who want to differentiate themselves as reliably safe suppliers to buyers, and buyers can adjust from narrowly focusing on profit margins towards buying from certified suppliers in order to bolster their brand reputation for food safety to consumers (UFW 20 November 2018). According to others involved in establishing the EFI model, its theory of change is that retailers mitigate risks of lawsuits and reputational damage by paying higher prices to farms that invest the increased revenue in food-safety and labor standards (Scully-Russ and Boyle 2018). Its method is based in the dialectical development of norms and practices in which

historical material conditions undergird human interactions, which produce innovation through the continual exchange of cultural concepts and internal individual or group use of them (Scully-Russ and Boyle 2018). EFI then identifies its "key to success was a series of efforts to establish new, safety-focused relationships across a highly fragmented and decentralized value chain" (Scully-Russ and Boyle 2018: 42). The approach is reflected in EFI's multi-stakeholder board, which includes trade unions, producer companies, retailers, social auditing firms, and consumer, environmental and labor non-governmental organizations (NGOs), its emphasis on continuous improvement and socio-technical innovation, and its claims, e.g. of leading "stakeholders to question the social structures and processes in the industry and to consider alternatives that improve conditions and performance of the system as a whole" (Scully-Russ and Boyle 2018: 44).

On standards, EFI piloted a requirement of wages above legal minimums but adjusted to require payment of legal minimum wage rates (except that employers of H-2A workers must pay all of its workers the same H-2A wage rate), having determined that more farms needed to participate in order to pressure retailers to increase payments to the farms (UFW 20 November 2018). EFI permits use of contractors so long as workers know the farm operator's name and auditors have access to contractors' records, assigns responsibility for compliance with its standards to the farm whether it hires directly or via a contractor. The EFI standards also set requirements on safety and health – including medical monitoring of workers handing toxic materials, housing conditions, and clear communication of remuneration system.

EFI is an example of private regulation of labor standards in which firms voluntarily participate. EFI functions as the standard setter. Approved audit firms – currently SCS Global Services and UL – conduct the audits against the standards. Then EFI determines the eligibility

of a company to apply its label to their product. An independent assessment of seven voluntary, private regulation models on farmworkers' work terms and conditions argued that effectiveness depends on enforcement, worker participation in all levels of decision-making, including governance, enforcement and "worker control over claims made regarding labor practices," and a complaint mechanism that remediates violations of standards (Lindgren 2016: 5). The assessment highlighted flaws common to private-regulation, including reliance on de-certification despite lack of evidence of attendant impacts on sales, tendency to lower standards to increase company participation, no reporting of legal violations to government authorities, auditors' financial dependence on ongoing certification, poor auditor training, employers' 'gaming' audits, and ambiguous requirements to correct violations of standards under the concept of 'continuous improvement' (Lindgren 2016: 17). The Lindgren (2016) assessment concluded that EFI has "transparent and comprehensive" auditor qualification and training requirements, includes both unannounced and announced audits, conducts worker interviews by auditors without worker representatives, and sets a "clear process and timeline for correcting non-compliance." In Lindgren's (2016: 36) summary, EFI "has the goals of worker empowerment and increasing wages. Farmworker organizations are foundation members and auditors and leadership team members must undergo extensive training. However, there is less emphasis on democratic organization of workers and on wages than in some other programs."

The UFW's work with EFI emerged out of the union's Alternative Representation Fund, to which it allocates resources to create new programs. Another program to emerge from the Fund is CIERTO, which is an initiative aimed at controlling employer hiring without necessarily relying on union collective bargaining and in recognition of the historical strength of the denizen labor market for U.S. agribusiness. A UFW official explained that they did not see opposition to

the H-2A program achieving its end, so even though they would prefer that farm owners directly hire workers, they are seeking to provide protections to workers hired through it (UFW 12 December 2018). Given the H-2A program, the union's ideal scenario is that workers contracted with H-2A visas work at farms covered by UFW contracts, thereby extending benefits to them (UFW 11 December 2018). Under a union contract, the H-2A workers would have recall rights, reducing their anxiety about retaining the job, and can earn more, *e.g.* the AEWR[38] in California in 2018 was $13.18, while workers earned up to $25 per hour under UFW contracts. In at least one case, the UFW negotiated achieved higher hourly wage rates, internet access in farmworker camps – to facilitate communication with family and friends, bonuses, paid holidays, and pensions. The union is now negotiating to provide a UFW welcome letter to workers when they are employed under H-2A and still in Mexico, and a UFW-facilitated orientation for the workers when they arrive with workers paid for the time. A UFW official explained their strategy:

> *"If it's an employer brought under CIERTO – no unnecessary fee & H-2A terms are applied, that's better than without. If at EFI standards, the standards help them a little bit. It's better than not having anything period. It's like having a UFW contract – there are contracts under which the workers don't have our medical plan, pension, just have higher wages. Would I rather have a contract with all the bells and whistles, hell yeah, but something is better than nothing. In the future, I would like to see workers at an EFI certified, CIERTO certified under UFW contracts, but 1 of any programs, the workers are still better off than not having anything it all" (UFW 12 December 2018).*

[38] The H-2A program requires employers of H-2A visa-holding workers to pay them the "adverse effect wage rate" (AEWR). The USDOL is responsible for ensuring that the employer pays the AEWR, and the U.S. Department of Agriculture sets the AEWR according to a weighted average of hourly wage rates paid to agricultural workers, by state and region (20 C.F.R. § 655.103). In reality, the AEWR rates paid reflect what employers want to pay, given lack of government regulation of AEWR setting and enforcement and the workers' total dependency on their employer (Geffert 2002; Martin 2008).

According to a founder and current staff person, CIERTO is a separate organization started by former UFW staff that aims to protect workers emigrating to work in U.S. agriculture under the H-2A program by assuring against abuses during the recruitment process and duration of the contract. As a CIERTO staff described it, "UFW realized that there is no path to citizenship, the H-2A program is growing, and many members had suffered abuses – including trafficking – during recruitment. They had concerns about H-2A workers replacing UFW members but decided that they had to develop a way to ensure H-2A workers are better protected." The union's first attempt was to lobby the U.S. Department of Labor and Mexican Secretary of Labor and Social Security (Secretaria de Trabajo y Previsión Social, SETPS) to ensure that workers could verify the legitimacy of their contracts via public lists, one released by the USDOL with all eligible employers with H-2A certificates and another released by the SETPS with legitimate labor recruiters. In the process, UFW engaged workers in their communities and religious- and community-based organizations throughout Mexico. When the US and Mexican governments refused UFW's proposal, the union decided to use this network in Mexico and created CIERTO (CIERTO 12 December 2018).

In the United States, CIERTO communicates with farm owners to learn their desired number of workers, and in Mexico, CIERTO works with its network to recruit workers with experience in the particular crop sectors of participating employers and ensure against coercion during recruitment. CIERTO provides training to recruited workers on their contract, the social environment of their employer, the supply chain in which their employer is operating, management theory of continual improvement, and conflict resolution. During the contract, CIERTO's network communicates remotely, by phone, with workers to check on contract

compliance, and CIERTO communicates with participating employers about housing, transportation, food and other conditions. After the contract, CIERTO's network interviews participating workers about their experience. To resolve grievances, CIERTO also asks participating farms to establish an ombudsman and human-resource practices, and encourages participating workers to seek to resolve conflicts with management first, then notify CIERTO if the issue is not resolved. CIERTO then communicates with the employer, and if the employer balks, with the company that buys the employer's product. To create this leverage, CIERTO establishes agreements with participating employers to follow protocols, and with buyer companies to increase purchases from the participating employers, although both types of agreements are non-contractual. For example, after an H-2A worker died, Costco, the retailer that was purchasing the product from the farm where the worker was employed, suspended purchasing for one year, then resumed when the parties – CIERTO, the employer and Costco – agreed that the farm was compliant. The business case for participation is that consumer-facing retailers can shore up their brand with the claim that some of their product came from a supply chain without human trafficking, and CIERTO staff also claim the program supports increased worker productivity by increasing the value of labor to the companies' concerned. CIERTO placed 14 workers in its first season in 2016, 87 workers in 2017, and 902 workers in 2018 (CIERTO 12 December 2018).

The impact evaluation reports on EFI focus on its potential to achieve transparent dialogue among all actors in a supply chain, primarily through training and the leadership teams at each farm (BSD 2017; Berkeley Food Institute 2017). In contrast to UFW's emphasis on power in its unionization strategy, the EFI model emphasizes learning, trust, management systems for continuous improvement. UFW representatives described the EFI as an alternative

service offering for farmworkers that responds to realities in the agricultural industry. In EFI's first four years, it expanded to cover 30,000 workers and "leverage $4 million from buyers to workers" (UFW 7 November 2018). One UFW official added that the initiative, like UFW's union collective bargaining, improves farmworkers' lives, although the ideal would be for the programs to overlap, adding,

> *"Unionization for farmworkers is very deep, but it's also very slow. So do you want to go deep, or do you want to go broad. You can go deep, and you'll be small. UFW we're still small. So we're looking for different vehicles to broaden our impact. That's why we've created these other programs to increase the scope of our impact. Maybe there are things we haven't thought of yet. Maybe it doesn't have to be one thing or another; maybe multiple things work" (UFW 12 December 2018).*

Building Institutional Power: CIW's Fair Food Program

With sufficient associational and coalitional power, the CIW eradicated forced labor, sexual assault, and wage theft as pervasive practices and improve conditions generally in the Florida and East Coast tomato industry. While forced labor, sexual assault and wage theft are all violations of universally-recognized human rights, they remain regular practices in contemporary U.S. agribusiness. As a CIW participant described it, "If you are in the desert and you don't have water, you have to find a way to get water, or you'll die, and Immokalee was like that, it was a desert of justice. We had to get something to stop the suffering" (CIW December 2018). The

CIW eradicated these rights violations and achieved improvements in employment relations with its Fair Food Program (FFP), its vehicle to build institutional power.

The FFP approach to enforcement departed from most private-regulation schemes on three dimensions. As noted, CIW deliberately positions workers in control of standard development and worker-to-worker education for monitoring at farms. Second, CIW established the independent Fair Food Standards Council (FFSC) to conduct auditing against the FFP standards and manage the complaint resolution system, and binding agreements with buying companies the primary enforcement mechanism. Additionally, its agreements with farms on labor standards are enforceable; meaning that if violated, under its agreement with CIW, the buyer is obliged to cease purchasing from the farm. This leverage to enforce privately negotiated agreements without collective bargaining is extraordinary in employment relations.

CIW shifted from workplace strikes to the Fair Food Program in order to harness the influence of the multinational companies that buy the tomatoes from the farms. Strikes had yielded specific gains but no change in the power that farm owners and labor contractors held over the workers. Farm owners never acknowledged the Coalition's demand for negotiations, and the state and federal laws offered no protection. The CIW thus innovated a form of standard setting and enforcement in which their prosecutions of slavery cases pressured farm owners while boycotts and campaigns pressured buyers into agreements. Even after the CIW signed its first agreement with a buyer, Taco Bell's parent company Yum Brands, the farm owners resisted, initially establishing a commitment among members of the Florida Tomato Growers Exchange (FTGW) that cooperators with CIW would be fined $100,000. They were able to continue to sell product to multiple buyers. CIW renewed its Fair Food Campaign and over the next three years persuaded McDonalds, the rest of Yum Brand's subsidiaries (e.g. KFC and Pizza Hut), and

Burger King into agreements. As Marquis (2011: 70-74) documented, workers led the campaign, demonstrating their slogan "We are all leaders," drawing national attention, and strengthening the pressure on the consumer-facing restaurants. The increasing number of buyers combined with the mounting prosecutions of employers for modern-day slavery, i.e. forced labor, in Florida's tomato industry to press growers into agreement. In 2010, Pacific Tomato Growers, one of the oldest and largest producer companies, pushed by partner Jon Esformes, broke rank from the FTGE and signed an agreement with CIW (Marquis 2011: 83-99). Lipman Produce, another large producer followed, and then the FTGE, resulting in 90% of the Florida tomato industry under agreements with CIW. As noted above, the CIW has expanded the FFP to include 5 retailers, 7 fast-food franchises, and 4 food-service companies that purchase from 17 tomato, pepper and strawberry producing companies.

Under the FFP, the CIW signs binding agreements with farming companies and the companies that buy from them, and a separately established Fair Food Standards Council (FFSC). While the FFP mechanisms of action will be discussed subsequently, here we address the workplace improvements achieved through the program. Between 2005 and 2008, the Coalition signed agreements with fast-food restaurant companies Yum Brands (owner of Taco Bell, KFC and Pizza Hut), McDonalds and Burger King. By 2011, the CIW signed agreements with farm owners accounting for 90% of the Florida tomato industry. By the end of 2018, the CIW had expanded the Fair Food Program to cover 35,000 workers in seven states at 17 tomato, pepper and strawberry producing companies that sell to 5 retailers, 7 fast-food franchises, and 4 food-service companies.[39] Under the agreements, the farm owners committed to complying with

[39] Fair Food Program participating buyers include retailers Walmart, Whole Foods, Giant Stop & Shop, Trader Joe's, and The Fresh Market; fast-food companies Subway, Chipotle, Burger King, McDonalds, KFC, Pizza Hut, Taco Bell; and institutional food service companies Sodexo, Aramark, Compass Group and Bon Appétit Management Company. Participating tomato farm companies in Florida are Ag-Mart/Santa Sweets, Classie

standards developed by the CIW, and the buyer companies. The FFP Code of Conduct and Guidance Manual states requirements for participating grower and buyer companies, the latter focusing on enforcement of workplace standards. The FFP standards for participating workplaces require:[40]

1. Legal compliance (including payment of at least minimum wage rates);
2. Zero tolerance for forced labor, child labor, sexual assault and other forms of violence;
3. Passing (at least 87% of)[41] the premium paid by buying companies directly through to workers;
4. Using a standard bucket size to calculate piece rates;
5. Recording working hours with a time clock or other system in which workers control their own time-registration device (time card or electronic ID);
6. Direct hiring and remuneration of workers;
7. Provision of protective equipment, shade and training on use of equipment;
8. Permitting workers to refuse work if feeling endangered and systematically stopping work due to potential dangers, *e.g.* pesticide applications or hurricanes;
9. Providing a safe and healthy workplace, which includes maintaining a workplace free of sexual harassment, discrimination, and verbal abuse; a worker-manager health and safety

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Growers/Falkner Farms, Del Monte Fresh Production, DiMare Homestead, DiMare Ruskin – HarDee/Diamond D and Triple D, Farmhouse Tomatoes, Gargiulo, Harllee Packing – Palmetto Vegetable Company and South Florida Tomato Growers, Kern Carpenter Farms, Lipman Family Farms, Pacific Tomato Growers/Sunripe, Taylor and Fulton Packing – Utopia Farms, Tomatoes of Ruskin – Artesian Farms, Diehl and Lee Farms, Frank Diehl Farms, TOR Farms, and West Coast Tomato/McClure Farms. And in other states are Ag-Mart Produce/Santa Sweets (North Carolina and New Jersey), Gargiulo (Georgia), Lipman Family Farms (South Carolina, Virginia, Maryland), Pacific Tomato Growers/Sunripe (Georgia, Virginia). The participating strawberry farm company is Pacific Tomato Growers/Sunripe, and green bell pepper farm is Lipman Family Farms.

[40] Summarized from the Fair Food Code of Conduct: http://www.fairfoodstandards.org/resources/fair-food-code-of-conduct/

[41] Up to 13% can be allocated to paying increased costs of higher payroll, *e.g.* higher payroll taxes (Asbed and Hitov 2017: FN95)

committee; means for workers to provide input, procedures ensuring appropriate response to injury or sickness, and respected lunch and other breaks;

10. Offering opportunity for job advancement, including to management;
11. Complying with laws regarding any employer-provided housing and ensuring any charges do not reduce wages below the legal minimum;
12. Cooperating transparently with FFSC monitoring; informing workers of the FFSC complaint resolution system and not retaliating against workers for using it or impeding investigations; and
13. Systematically educating workers on their rights under FFP in a manner acceptable to CIW.

The FFP standards reflect CIW participating workers' priorities. Naturally, the Coalition needs to negotiate details with participating farms to ensure that standards can be implemented. The CIW convened the Fair Food Working Group (FFWG), comprised of CIW and FFP-participating farms as the forum that can recommend amendments to the FFP standards (Asbed and Hitov 2017: FN103). The FFWG has provided a means to build trust between CIW and the farm owners, while retaining CIW's control over the standards (*Ibid*). For example, when deciding on the standard that would be enforced for filling workers' buckets, one of the farms proposed weighing every bucket; the group discussed the extensive time required for weighing, and decided on a visual standard for all farms, that a full bucket is filled up to the level top, no more.

To join the FFP, a grower must pass an initial audit by the FFSC. Passing means the company started to implement a direct employment system compliant with laws and the FFP

Code and use of a timekeeping system to calculate payroll, resolved any labor complaints known to FFSC at the time, purchased or ordered shade structures, and its supervisors received training on FFP policies by the company and FFSC, and its employees received training conducted by the CIW. After the initial audit, the farm must demonstrate full compliance with the FFP code by the next audit. FFP's code distinguishes Article I, II, and III violations. Article I violations are forced labor and systemic use of illegal child labor and result in automatic suspension of the farm from FFP. Article II violations require remedial action by the farm to avoid suspension and can result in probation from FFP. They include threats of physical violence, sexual harassment with physical contact, menacing displays of weapons, discrimination or harassment based on gender, national origin, race, religion, or sexual preference, retaliatory dismissals or threats of dismissal for asserting FFP rights, systematic underpayment or failure to pay according to required timekeeping, using labor employed by a contractor, noncooperation with monitoring or complaint resolution procedures, and negligent endangerment of workers. Article III violations result in a corrective action plan and include non-systemic use of illegal child labor, non-systemic wage violations, other forms of retaliation for asserting FFP rights, failure to implement a compliant health and safety committee, and failure to provide breaks, days off, shade, drinking water, and hygienic facilities. Repeated failure to comply with provisions of the Code, including Article III violations can ultimately result in suspension. Any farm that is suspended or withdraws voluntarily can re-enter, but only by passing an audit that demonstrates it is complying with the code and has resolved or has a corrective action plan in place to resolve any outstanding issues related to the FFP. Participating companies have to address violations identified by FFSC audits or through the FFSC complaint system, to the FFSC's satisfaction.

FFSC has also developed a Guidance Manual that details the Code policies, but it is not a public document (FFSC 2018).

The CIW established the FFSC to monitor and enforce the FFP, particularly by developing and overseeing the audit and complaint resolution systems. The FFSC is an independent 501(c)3 organization with an executive board comprised of three CIW staff and three others, currently from a participating buyer company, a human-rights NGO, and a university. Retired New York State Supreme Court Judge Laura Safer Espinoza is the FFSC Executive Director. Judge Safer Espinoza has worked for justice her entire career, including as a new lawyer providing counsel to underrepresented communities under the Legal Services Corporation, as a judge recruited and elected by her community into the role, and supporting judiciary reforms in the aftermath of dictatorships in Latin America. As she put it, the CIW organized her into the FFSC directorship after she began volunteering at CIW during her retirement. Under Judge Safer Espinoza's direction, the FFSC developed the protocols for monitoring complaints and hired and trained the auditors and staff who answer the complaint hotline. The FFSC recruits people with experience in interviewing, analyzing data and report writing. Once hired, the FFSC trains staff on the sociology of labor in U.S. agriculture, the tomato industry and its main actors, workers' vocabulary, the FFP code, interviews with workers and managers and the program's complaint investigation and resolution procedures. Following training, new staff shadow experienced staff prior to starting. FFP hires the auditors and hotline investigators as staff and does not reward them for saving time, a notable contrast to the tendency of for-profit audit companies to compete on price by tightly scheduling audits, which can reduce audit quality. In the first years of the FFP, FFSC experienced high turnover, which they attributed to the lengthy work hours and stress of dealing with resistance from newly

participating growers, and over time, turnover has declined (FFSC 29 January and 2 February 2019).

The FFSC also oversees the FFP complaint resolution system. Workers can report a complaint via a 24-hour hotline operated by the FFSC, to the FFSC during an audit, to the CIW, or at the workplace to the worker-manager health and safety committee, to a supervisor or the grower's human resources staff. If workers report to the CIW, it communicates the complaint to the FFSC, which oversees the investigation, communication with the company concerned, and response. The FFSC investigates and follows cases through to resolution, remediation when appropriate. Initially, farms disputed each complaint, often claiming that they had investigated and found no evidence and expressing fear that the FFSC would suspend them for any complaint acknowledged. The FFSC trained participating farm management on investigation procedures and demonstrated its commitment to the FFP system, and over time, farms have become cooperative with the complaint investigation and resolution process, with only one case going to arbitration in the first six years of the program. All disputes under the Code must be settled exclusively by arbitration (FFSC 29 January 2019).

The agreements that CIW convinced Taco Bell and then other tomato buyers to sign provide the leverage to enforce standards at the farm level. Under agreements with CIW, FFP-participating buyers agree to purchase products from participating farms, to cease purchasing from any supplier suspended from the FFP, and to pay the Fair Food Premium that farms pass through to workers. Referred to by CIW and the FFP as market enforcement, the agreements mean that violations of FFP standards results in the employer losing revenue, establishing an economic sanction enforcing the standards that is absent in all other private-regulation systems.[42] Participating farms cannot split into participating and non-participating fields or facilities, to

[42] In this sense, FFP is more like the jobbers agreements in the U.S. apparel industry of the 1930s-1970s. INSERT

prevent the misleading practice that plagues some private-regulation systems.[43] If suspended, farms tend to receive a lower price for their product due to non-participating buyers that know of the farm's anxiousness to recoup invested production costs. The FFSC monitors buyers' premium payments to workers at participating farms, which also indicates the regularity of buyers' purchasing from within the program.

On wages, the standardization of the bucket-filling standard increased workers take-home pay by 10% (FFP 2017), and workers incomes have increased from the requirement of a floor wage of at least the legal minimum based on a timekeeping system that records all compensable hours, and the FFP premium. Since 2011, FFP-participating buyer companies have paid $30 million to workers in FFP premium payments, which vary across participating farms, depending on the number of buyers from the farm participating in FFP. Workers paychecks are itemized and show a separate line for the premium. Requiring farms to use time-clock payroll systems, which workers punch into when arriving at farms, was a shift from the prior norm of labor contractors maintaining manual daily logs, and resulted in increased paid time and shorter working hours. The FFSC attributes the ability to change such practices to the ability to cut off sales to buyers (FFP 2017; FFSC 2 February 2019). Under FFP, workers report to work later in the morning, providing them time for rest, to transport children to and from school, and to avoid paying child-care. As one worker said,

> *"you arrive at the farm where you're going to work, you just arrive, punch in, and begin to work. Now they're paid hours. It's not like before when you had two or three hours*

[43] For example, in the early 2000s, Chiquita reorganized to sell off banana farms to longtime managers, converting Chiquita-owned farms into 'independent suppliers,' certified Chiquita-owned farms, continued selling bananas from owned farms and suppliers, and made the accurate and deceptive claim that its bananas are certified under Rainforest Alliance and SA8000.

when they didn't pay you, and with children at home that had to be left with family, or you had to pay someone to watch them, the children…Now you leave later, and it gives you time to drop the children off at school…It's time, it gives you time."

Reflecting on the difference working at FFP-participating farms, one worker said, "it was the first time in all the years that I had lived here to hear that there was a group of people concerned for the workers' human rights." CIW participants who worked at farms prior and after FFP implementation emphasized the resulting improvements in workers' livelihoods (CIW 15-16 December 2018). The FFSC has found zero cases of child labor, one case of forced labor – resulting in suspension from FFP and legal prosecution, nine cases of sexual harassment with physical contact and nine cases of use or threats of physical violence – resulting in supervisors terminated and being banned from FFP farms. Workers who harvested tomatoes before and after FFP described the changes as a shift from working "in fear" to "working freely," achieving dignity at work in the sense that workers "are respected as human beings." Requiring that farms hire directly and register all workers has also curbed discrimination, avoiding the pattern of labor contractors avoiding hires of people due to their age, gender or sexual orientation. CIW staff and former field workers said (CIW 15-16 December 2018):

"Under the Program, the rules, the laws are that the worker has a voice, as a woman you can report sexual assault. The supervisors continue being supervisors; the bosses continue being bosses; but, the balance of power has changed…our priority is mutual respect"

"you work with dignity…in peace…because years ago you couldn't work peacefully because the men or contractor himself assaulted you"

Leverage in the FFP rests on CIW's having convinced a critical mass of buyers to sign agreements, currently approximately a quarter of the market for participating growers (FFSC 29 January 209). Focusing on Florida's tomato industry, 90% of which participates in FFP, provided the foundation, because even with global supply networks, buyers depend on Florida and Mexico to source sufficient tomatoes during winter (NESRI 4 October 2018). The CIW has expanded the FFP to cover more workers in the tomato industry and other crop sectors, as noted, although in a sense its success makes expansion difficult. By succeeding in eliminating the worst abuses in the industry, boycotts and public campaigns to pressure buyer companies to participate lose some of the headline-catching capacity of earlier campaigns, while non-participating buyers free-ride on the improvements made under the FFP. While most companies joined under pressure, a few companies have signaled a business case for FFP participation. As a risk-mitigation strategy, Wal-Mart joined FFP without a campaign to avoid a campaign and mitigate risks of legal and reputational damage. Some farm owners reported that FFP helps them win contracts from buyers as 'preferred' suppliers, reduces turnover and thus expenditures on recruitment and training, and mitigates legal and normative risks, *e.g.* preventing sexual assaults on their property (CIW 15-16 December 2018). CIW is testing the business case in Texas, where the Coalition is working, under a grant from the Buffet-McCain Initiative to Combat Modern Slavery, to expand the FFP by persuading companies involved in Texan agriculture to participate (McCain Institute 2-3 October 2018).

Sustaining sufficient income of financial resources is part of the challenge of FFP. As non-membership organizations, the CIW and FFSC do not collect dues from workers covered by FFP. The only payments made by companies have been the premiums paid by buying companies and code-compliant remuneration paid by employer companies. The CIW and FFSC have thus relied primarily on grants from private foundations, which provide the benefit of reasonably independent funding and carry the risk of unpredictable revenue as foundations change priorities. The two organizations are diversifying funding sources. The CIW has negotiated buyer company payments for the service provided by the FFSC with two buying companies. The benefit is that these companies would begin to absorb the costs of compliance with the FFP standards; however, as CIW and the FFSC staff noted, they have to keep company payments for services under a threshold to mitigate the risk of companies gaining control over the program. In 2016, CIW introduced the FFP label on produce from participating farms sold in participating retailers, after conducting consumer surveys that indicated willingness to pay up to ten cents more for FFP tomatoes (CIW 15-16 December 2018). The CIW also introduced the Fair Food Sustainer program, under which participants commit to monthly donations, which provides unrestricted funding.

Building Institutional Power: FUJ Collective Bargaining

As its primary mechanism of institutional power building, the FUJ has used collective bargaining and grievance representation to establish and enforce standards at the workplaces of its members. After four years of exercising its associational and coalitional power, FUJ signed a CBA with Sakuma Brothers Farms on June 15, 2017. Outside of California, it represents one of

the first union collective contracts in US agriculture in many years (Bacon 2016), notably, despite the lack of federal or state protection for collective bargaining rights.

The FUJ-Sakuma CBA covered all seasonal fruit pickers at the company, and all workers covered are required to become a union member or pay an agency fee for collective bargaining and grievance representation. Under the contract, salaries were set by piece rate, with a minimum average weekly salary of $12 per hour and goal of $15-$17 per hour; piece-rates are set each day with union-selected and employer-selected workers conducting a test pick for one hour, with $15 divided by the test pickers' average pounds picked. According to an FUJ official, the workers wanted to retain the piece-rate to afford the opportunity for higher earnings in exchange for productivity, and were focused on establishing a base and a range. The contract stipulated free housing provided to workers who live more than 60 miles from the farm, in order of their arrival. It required half-hour unpaid lunchbreaks and prohibits work beyond eleven hours. On safety and health, the CBA required the employer to comply with laws, including not using substances not approved by the U.S. Environmental Protection Agency (EPA) and providing workers with detailed information of all chemicals used,[44] personal protective equipment at no cost, and bathrooms and potable water accessible in the fields. It specified standard CBA provisions regarding worker seniority, grievance handling, just-cause discipline, management rights, workplace union access to workers, and a union bulletin board. The CBA also required the company to provide notice of any plan to subcontract workers or introduce new machinery or equipment that would reduce employment of the bargaining unit, and unpaid personal leaves. Under the contract, workers could leave the fields as needed, *e.g.* to pick up their children from

[44] The clause requires the company to inform workers which chemical was applied, including the name of the substance, its brand name, contents, the name of its active ingredient, the EPA-approved chemical name and registration number, date, quantity and method of application, and date for re-entry to the field according to the product's chemical safety sheet protocols.

school, indicating “the power basis has shifted a little bit,” as a union member said (FUJ 7 December 2018).

The FUJ-Sakuma contract included provisions indicating intentions for an enduring union-management relationship. It included a no-strike/no-lockout clause. Under the contract, the union named eight representatives as workers’ representatives, and a Worker-Manager Communications Committee is to meet monthly during the harvest and on a trimestral basis during non-harvest time. It did not establish union control over hiring but an effort for hires to be recommended by the union. The CBA included an agreement that the union promote the company’s product. It also included management’s right to assign managerial personnel to pick fruit so long as their work does not permanently replace workers in the bargaining unit.

The negotiation of the second contract began in November 2018. FUJ’s prioritized additions include a medical plan, overtime wage rates, pensions, and a child-care service. A member of the public employees union in Washington State served as principal negotiator for FUJ. The medical plan contemplated includes an arrangement with a mobile medical clinic that would provide primary care at Sakuma during the season, and a hybrid health-savings account, an idea under development and drawing on a program developed by the Mennonites. The union expects that achieving each of its goals will require multiple contract re-negotiations. On health and safety, FUJ and C2C representatives noted that pesticides remain a big problem for most farmworkers, both due to short-term symptoms from exposure, unknown long-term symptoms, and unclear ability to restore healthy soil.

After signing its CBA with Sakuma Brothers, relations between the union and management changed, according to multiple union members. The parties signed the contract the Friday before the Monday start of the 2017 harvest, but beyond learning contract

implementation, a more fundamental change occurred between years one and two. “Initially, they were fighting FUJ on every issue,” said C2C staff member who provides contract administration support to FUJ. During the first year, the union filed several grievances, effectively one every other week of the season, and nearly all of the grievances went to arbitration. After the first year, the union and management agreed to participate in a training workshop by the Federal Mediation and Conciliation Service (FMCS) on conflict resolution, and the company replaced its lawyers and began communicating regularly with the union. In year two, the union filed three grievances, and settled each of them directly with management. In the administrator’s view, the perceived change in management was due to a combination of economic pressure – the company sought to avoid strikes and the legal fees incurred when fighting each issue – and a shift in mentality towards viewing the union and its members, who have developed skills at the farm, as assets. For example, on two occasions during the second year under the CBA, management contacted the union to discuss lower piece rates, which are set daily based on the test pick and market price within the range established in the contract. In one case, the buyer had reduced its price, and in another, the buyer did not buy the fruit it all. On both occasions, after learning the details from management, the union president went out to the fields, discussed the issue with the workers, and they did not strike. In other cases under the CBA, the company has sought the union’s ideas; for example, the union advised management on where to locate hand-washing stations and which gloves should be used. The union administrator recalled a manager saying, ‘wow, this really does work,’ referring to the union. In the administrator’s view, the union and management shifted from appeals to resolving conflicts, often via telephone conversations.

As mentioned above, while interviewing FUJ President Torres, he received a call from a worker at a farm other than Sakuma, who reported that the employer had not paid the workers properly. After setting a plan to address the issue, Torres explained that he receives between 20 and 60 calls a day from workers during the harvest season, with complaints and questions. Some strikes were by H-2A workers, demanding prompt repayment of travel expenses and guarantees for future work contracts. For example, in 2018, the union supported H-2A workers picking apples to reach a settlement with Larson Fruit for job commitments and back pay for not being hired during the 2018 season (Bernton 2018). As reporter David Bacon assessed, the FUJ contract provided the basis for helping workers as conflicts emerged, and the increased wage rates negotiated in the contract with Sakuma encouraged other workers to demand increases from their employers (Bacon 2018).

Grievance representation has increased FUJ's membership, and leverages employers' concern over work stoppages, which inclines them to deal with the union even without a contractual relationship. In 2018, the FUJ contract with Sakuma covered 525 members, and since its negotiation, the union's membership rose to 1,500. A journalist described the ripple effect. "[W]ork stoppages have hit many nearby ranches, and workers have successfully used them to win concessions from growers. Most of those workers are Mixtec and Triqui indigenous migrants from Oaxaca and Guerrero in southern Mexico, who now live permanently in rural Washington. In some cases, however, the *paros* [work stoppages] have been organized by H-2A contract workers, brought to the United States under temporary work visas" (Bacon 2018). Many of the workers who struck contacted FUJ for guidance on dialogue with their employers, and in order for FUJ to represent them, the workers signed up as union members. As FUJ members

described it, they believe that each group of workers needs to decide their own priorities, so their role is to provide the options, including joining FUJ union.

The UFW, CIW, and FUJ all successfully built institutional power in the form of enforceable contracts with companies. In the cases of the UFW and FUJ, this power was realized in the form of CBAs with farms. For CIW, it was in the form of contracts with farms and companies that buy from them. In this sense, CIW shifted the structural power balance, transforming the bargaining power of buyers from a force depressing labor standards into a mechanism of labor-standards enforcement. For all three, the binding contracts indicated a shift in the consensus regarding agribusiness labor. While symbolic power facilitated internal and external consensus building around farmworkers dignity in prior stages, through contract negotiations and enforcement the three shifted at least some participating companies' positions from denial to recognition of the farmworkers' importance to their industry and capacity to cooperate in problem-solving. Given the disenfranchisement of farmworkers, employers' cooperation is a part of the task of shifting agribusiness to rights-based employment. In the political arena, the three organizations have also engaged in building institutional power based in legislative enactment and enforcement, with differing scope reflecting their respective political contexts.

Stage 4: Exercising Political Power to Gain State Protection of Rights

Shifting consensus away from agriculture exceptionalism to expand rights-based employment in U.S. agribusiness necessarily involves influence government to build legislative-based institutional power (Gumbrell McCormick and Hyman 2013). Against the imbricated

interests of agribusiness and the state at the macro level, the UFW, CIW, and FUJ have sought, and to varying degrees succeeded, in influencing government actors at state and local levels to enact and/or enforce laws protecting farmworkers' rights.

UFW Development of State-Based Institutional Power

The UFW has demonstrated political power through its successful advocacy to enact and amend the ALRA, and to pass overtime and heat-protection laws. In all cases, the UFW drew on its associational and coalitional power to support advocacy, and the relative openness of some politicians in the state of California played a role. Throughout, developing legislative-based institutional power has been a contested process.

The UFW's relationship with state actors leading up to the ALRA passage enviced sharp contestation over state power, with agribusiness demonstrating dramatically greater political power. Throughout the 1970s, the U.S. government under President Richard Nixon and California State government under Governor Ronald Reagan actively intervened against the UFW. Nixon supported the International Brotherhood of Teamsters (IBW) local "Teamsters 1973" in its attacks against UFW members on picket lines, resulting in many hospitalized (Garcia 2012; Martin 2003: 81). Nixon closed an FBI investigation of Teamsters' President Frank E. Fitsimmons's payments of members' dues to criminal organizations, and the union endorsed Nixon and contributed financially to his political campaign. The FBI instead surveilled UFW President Cesar Chavez, compiling 1,434 pages documenting his activity 1965-1972, while concluding "no evidence of Communist or subversive influence was ever developed" – an investigation that former U.S. Attorney General Ramsey Clark said was "probably in violation of

the Constitution of the United States" (Miller 1995). Statewide, police typically ignored Teamsters' violence against UFW members, and then Governor Ronald Reagan denounced UFW boycotting as a 'hostage store' strategy, and lobbied the federal government to cut funding to social programs that benefited farmworkers, *e.g.* the California Rural Legal Assistance (Garcia 2012: 129-130). Despite the pressure, in 1972 the UFW helped defeated Proposition 22, which California growers associations had organized to ban harvest-time strikes and boycotts.

Three years later, the UFW succeeded in its advocacy for the ALRA. Since, ALRA implementation has proven to be a site of labor-agribusiness struggle. In 1975, the ALRB oversaw 354 elections without any strikes. The UFW won 50.2% (189) of the elections to represent 26,965 workers, and the Teamsters won 23% (101) to represent 12,284 workers. Among the total workers who voted, more than eight thousand switched from the Teamsters to the UFW (Garcia 2012: 160-1). Yet more activity than expected meant the ALRB overspent its budget. Farm owners successfully lobbied legislators to block additional funding, which resulted in the ALRB laying off 145 of 175 staff by early 1976, halting of UFW's momentum. The UFW organized ballot Proposition 14 to restore and sustain funding for the ALRB and to reform the ALRA to permit unions to access to workers on farms. The campaign drew a sharp response from farm owners, who organized a public-relations campaign highlighting first-generation immigrants and their property rights to restrict access to farms. While Proposition 14 did not pass, the state legislature restored funding to the ALRB, and farm labor was the focus of a statewide election for the third year in a row (Garcia 2012: 160-170; Martin 2003: 73).

In the 1980s companies brought several lawsuits against the UFW, and against the Teamsters 890, which cost the unions money and time away from organizing internally and new members. Starting in 1983, California governors financed by agribusiness appointed ALRB

members who, as Marc Grossman (1991) argued, "stopped enforcing the law." That year, a dairy worker was fatally shot after voting for union representation and, following uninvestigated worker complaints to the ALRB, company representatives brandished weapons. Over the next decade, growers simply did not pay money owed to 11,274 workers under ALRB decisions, the ALRB dismissed complaints of employer unfair-labor practices, and employers refused to bargain, including by closing and reopening under new legal names (Grossman 1991). Observers have critiqued the ALRA structure as a contributing factor to its contested implementation. Critics highlight in particular that under the ALRA, liability and remedy phases are not separated in dispute resolution processes, power is concentrated in the ALRB general council, union certificates remain active until deliberate decertification despite more fluid employment in agriculture, and the ALRB has an overly ambiguous mandate (Daniel *et.al*. 1991). As noted, the UFW strengthened the ALRA with its amendment to include mandatory interest arbitration. Even with its limitations, the ALRA shifted consensus from agricultural exceptionalism to government protection of collective-bargaining rights in the state of California. As indicated by the UFW's CBAs throughout the state, it reinforces the union's power to improve farmworkers' employment conditions.

In addition to the ALRA, the UFW has succeeded in advocating for legal labor standards. In 2005, California's legislature passed a law aimed to reduce heat-related illnesses, largely due to UFW lobbying.[45] The law requires employers to provide fresh drinking water and a shaded place to rest and recover from heat exposure to anyone working outside, including farmworkers, construction workers, gardeners, *etc*. A UFW official emphasized its ripple effects, noting farm managers had installed structures with picnic tables because it was no more costly than installing mere shades, providing a place to eat for the first time to many field workers, and that

[45] Cal/OSHA Regulations, Title 8, §3395. Heat Illness Prevention

Washington State had adopted a similar law (UFW 11 December 2018). The UFW's latest legislative advocacy success was the state's passage of a law extending state overtime standards to farmworkers in 2016. The law eliminated exemptions "that farmworkers were subjected to due to racism since the 1930s," and results in more money or time with family for farmworkers, noted a union official (11 December 2018).

According to the UFW, its success in political advocacy reflects strategic pragmatism and substantial engagement of workers, legislators and voters, according to a union official involved with several campaigns (UFW 12 December 2018). The pragmatism means that the union has had to avoid overreach, respecting that "a deal has to be cut" (UFW 12 December 2018). The union has brought multiple lawsuits against the state of California to press for reforms. Apparently most important, however, is the union's use of symbolic power, rendering visible to lawmakers the difficult conditions of farmworkers' reality.

During the campaign for the heat-protection law,[46] a UFW official drove the governor's assistants and reporters outside Sacramento. Within a thirty-minute drive from the state capital, they video recorded workers laboring without any cover from the sun. For the overtime extension, the UFW educated legislators about the exclusion of farm workers from the Fair Labor Standards Act, based on reluctance of federal legislators to challenge the racial hierarchy that characterized agriculture and domestic work. The union also mobilized 250 farmworkers to the state capital on the day the vote for the legislation was scheduled, and when legislators notified them that it was no longer on the day's agenda, the workers demanded a rescheduled date, and returned the following business day, foregoing two days wages. The overtime regulations are being phased in over five years, an indicator of the union's pragmatism. In the state legislative election following the passage of the overtime law, UFW campaigned for

[46] Cal/OSHA Regulations, Title 8, §3395. Heat Illness Prevention

supportive candidates, both to reinforce mutually-supportive relations and help sustain the law (UFW December 11 2018). Looking forward, the UFW is monitoring the current U.S. presidential administration's proposals to change the H-2A program by reducing wage-rate requirements and eliminating housing and transportation requirements. In January 2019, the UFW and national advocacy organization Farmworker Justice were working together to counter a lawsuit by the National Council of Agricultural Employers that seeks to freeze H-2A wage rates (UFWc). The longstanding issue of housing for farmworkers is particularly acute recently in California, where rent price increases have accelerated in recent years.

CIW Development of State-Based Institutional Power

The CIW has demonstrated capacity to use state-based institutional power in an extraordinarily hostile political environment. The CIW's primary influence over state actors has been its facilitation of the seven prosecutions of employers for enslaving 1,000 farmworkers. The CIW's work to bring about these prosecutions drew on its associational power. Coalition staff investigated, in some instances went and worked alongside workers who were victims in order to document the cases. The Coalition leveraged its internal ideology of collective power and leveraged existing laws to bring about the prosecutions.

When observing the achievements through prosecutions and the Fair Food Program, the lack of state political will to protect fundamental human rights, *e.g.* physical integrity, stands out. Prevention of forced labor, sexual assault, and wage theft are fundamental duties of any national state. The absence of enforcement of laws against such abuses indicates an antipathetic state of Florida, where the legacy of racist and patriarchal violence remains its "traditions" (Crouch

1993). Multiple CIW and FFSC staff noted that if the US government were enforcing laws prohibiting forced labor, sexual harassment and non-payment of wages, much of what FFP does would not be necessary. FFP is necessary because "Democracy has never extended to the fields," said Sean Sellers (2018), CIW staff during FFP development and current Worker-Driven Social Responsibility Network staff. Due to the adversarial political context, CIW has not pursued a legislative strategy. For example, while California passed legislation requiring shade for outdoor workers, CIW inserted the requirement into the FFP standards.

However, the CIW and the Fair Food Standards Council have developed relationships with government officials at multiple levels. In addition to facilitating prosecutions, the CIW has provided training to local police as well as national and international law enforcement. Potential FFSC – government complementarity is indicated by the fact that no significant legal judgements have been made against FFP-participating farms (apart from the one forced labor case), and workers at non-participating farms have reported legal violations to FFSC, which communicated them to the appropriate agencies (FFSC 2 February 2019). Agencies such as the state and federal labor departments could, if they had the political will, coordinate with the FFP in the sense that they could focus on non-FFP farms and expand the scope of farms where workers' rights under existing laws are protected. Such an approach would align with co-enforcement of labor laws, between public and private actors, identified in other contexts (Amengual and Fine 2017).

FUJ Development of State-Based Institutional Power

FUJ has exercised political power, in its shorter history and in the state of Washington, where the "state traditions" (Crouch 1993) are less adversarial than Florida, and include fewer

formal protections for agriculture workers than California. FUJ's most significant influence over the government blocked the Sakuma attempt to replace its members with H-2A workers during the boycott and union organizing campaign. The union gathered hundreds of worker testimonies and convinced the Department of Labor that the employer had workers willing to work at the time and place it needed (FUJ 2018). The action drew on its associational power, as the undocumented immigrant workers believed that they could collectively influence, and its coalitional power, particularly its relationship with farmworker advocacy organizations monitoring the H-2A program usage. Since, FUJ has worked in coalitions in the state to convey its members' voices to lawmakers.

The union's legislative advocacy has focused on opposition to the H-2A program. Washington has the third-highest number of H-2A workers in the country, and it has increased in recent years. According to the FUJ, the program helps farm owners because the workers have few rights, are not informed of the rights they have, and are isolated from the community (FUJ 2018). FUJ members pointed to the case of Honesto Silva Ibarra, an H-2A worker who died during the 2017 blueberry harvest, and his coworkers at Sarbanand, a Munger Brothers company, who were fired and thus lost their visas after they struck over wage and health and safety concerns. The union has assisted workers who were victims of human trafficking and other substantial criminal abuses to obtain T and U visas. FUJ members also critique the H-2A program for dividing H-2A from other farmworkers. H-2A farmworkers receive wage rates often higher than prevailing rates and employer-paid transportation and housing, and are exempt from social security, to which undocumented workers pay knowing that they will never receive payments. In 2017 FUJ President Ramón Torres testified before the Washington State House Labor and Workplace Standards Committee. Torres highlighted the lack of access to medical

care behind deaths of workers brought to the state to work in agriculture under the H2A visa program, and articulated the union's position, that "every person that is brought here to work is protected or do not bring them" (FUJ 2018).

As both theories of workers' organizations (Webbs 1920, Fine 2005) would expect and the position of most farmworkers as denizens demands, the UFW, CIW, and FUJ all worked to establish state-based institutional power. They drew on their associational and coalitional power resources to influence state actors' decision making. Each organization adapted its approach to the state based on the political context in which it was working. The UFW contested with adversarial and won over more sympathetic politicians in California, by making farmworkers and their workplace conditions visible. The CIW drew on its internal collective empowerment orientation to bring about slavery prosecutions, exercising institutional power of law enforcement. In turn, the prosecutions reinforced the Coalition's appeal to allies, building the coalitional power that increased its economic leverage with companies. FUJ also drew on its associational and coalitional power to enforce H-2A regulations and block Sakuma from replacing its members. As the contestations over state-based institutional power suggest, the development of the farmworkers organizations' "most specific characteristics" reflected leadership, *i.e*. they were implementations of ideologies "double determined" by the workers involved and their representatives (Bourdieu 1991: 169).

Leadership: How the UFW, CIW and FUJ Mitigate Risks of 'Political Fetishism'

The UFW, CIW, and FUJ all benefited from effective leaders, and all three organizations have worked to mitigate the risk that their organizations' leadership mistakes power as leader-

produced – political fetishism (Bourdieu 1991: 169), which leads to organizational preservation superseding needs and priorities of the group (Piven and Cloward 1977). All three farmworkers' organizations have used deliberate strategies to leverage indispensable leadership and retain its representation of farmworkers.

The leadership of the UFW has generally drawn awe at its effectiveness. While substantial literature explores the union's long history of leadership, a few illustrations indicate the role of leaders as the UFW's "organic intellectual" (Gramsci 1971). The founders and subsequent union leadership committees all shaped the union's ideology of social unionism. The community organizing experiences of Cesar Chavez, Dolores Huerta, and Gilbert Padilla translated into the union organizing approach of engaging workers where they were. Larry Itliong, Philip Veracruz, and Peter Velasco brought their influenced the UFW's use of strikes with their prior experiences leading strikes as the AWOC. Chavez's study of non-violence strategies and intentional communities guided the UFW. In development of the boycotts, Chavez, Huerta and other UFW leaders' capacity to inspire conscience "conscience constituents" (McAdam *et.al*. 1996) facilitated the creation of boycott committees comprised mostly of dedicated volunteers. Marshall Ganz, a volunteer turned member of the UFW leadership team in the 1960s and 1970s, attributed success throughout the period to the leaders' strategic capacity, in particular use of regular, open deliberation resulting in actionable decisions (Ganz 2000). The UFW also trained a generation of farmworkers and farmworker allies, both through its boycott campaigns and educational programs, such as those developed at its headquarters in La Paz. There, classes in English, history, labor law, and union organizing and a lawyer apprenticeship program trained farmworkers to be their own advocates (Grossman 2019).

Several commentators on the UFW's leadership have argued that there was at least a temporary lapse in its effectiveness that they attribute to distance between leadership and rank-and-file members. Ganz (2009) argued that UFW membership and collective bargaining coverage declined in the 1980s because the union did not develop local union affiliates to manage contracts, organize new workers, and establish clear steps for workers to rise through the ranks of the union. Focusing on union activities during several months in 1977, Matt Garcia argued that UFW President Chavez was overly controlling, antagonistic and untrusting of staff and volunteers, distracting the union from organizing and administering contracts.[47] Another scholar critical of Chavez's leadership in the late 1970s concluded, "By distancing himself from the fields and actively undermining leadership by farmworkers themselves, Chavez toppled the UFW at the height of its power" (Flores 2016: 210). Yet others who worked at UFW situate the internal debates within the union's broad social orientation. Marc Grossman argues that the contention should be understood as part of internal union debates about the direction of the union, and that Chavez was a tough fighter, including in internal debates. Chavez approached the union based on his CSO work and support for broader social movements, was committed to developing a community based on non-violent activism and self-sacrifice, influenced by communities such as the Catholic Workers Movement and Bruderhof (Grossman 2019). In the post-ALRA years, Chavez also consulted the management theorist Peter Drucker, who advised

[47] Garcia particularly critiqued Chavez's use of "the game," an activity in which participants critiqued each other for behaviors that were understood to be unhealthy for the group and individual, by dropping conversational norms and following the one rule that nothing said during the game would leave it. Chavez had learned "the game" from Chuch Dederich, who used it at his drug-rehabilitation center Synanon. According to Grossman (2019), in 1959, Chavez was organizing with the CSO in Los Angeles, and when the city pressured Dederich to move Synanon out, Chavez led CSO participants to demonstrate in support of the center, which was one of the first to address hard drug addiction. During the Delano grape strikes and boycott, Synanon delivered food and clothing to the workers. In 1977, Chavez introduced the game in an attempt to achieve open communication and hierarchy within the union, to combine the principles of community with the decision-making capacity to manage the bureaucracy of the union under the ALRA (Grossman 2019). In focusing on several profanity-laden meetings throughout 1977, Garcia (2012) argues that Chavez was destructively anxious about challenges to his authority.

pursuing a political strategy given the imbalance of financial resources between the UFW and agribusiness. That Chavez had human flaws does not erase the evidence of his work to build an organization leading a broad movement. While he could have led the UFW differently in the late 1970s, it is not clear that other decisions would have increased the union's power, given contestation around the ALRA and agribusiness's increasingly financialized and networked structure.

Contemporarily, the UFW mitigates organizational imperatives overwhelming members' priorities through its union processes. The union members elect leaders. At each farm with a CBA with the UFW, workers participate in union committees. As farm committee members said, when there is a complaint, they address it to management with the assistance of UFW staff. The farm committee members also participate alongside staff in contract negotiations.

The CIW leadership has also evinced the strategic capacity of effective 'organic intellectuals' of their organization. The founders instilled the popular education tradition of collective decision making and empowerment, implemented through regular meetings open to the community and organized for collective deliberation (Marquis 2017). Current staff all communicated the continuation of this praxis (CIW December 2018). In developing the Fair Food Program, the CIW leadership determined that they needed to create their own model due to the absence of worker agency (and enforcement) in existing private-regulation systems. Thus, in developing the Program's standards, the CIW convened farmworkers, resulting in such effective provisions as the bucket-filling standard. The Program is also designed to involve workers in monitoring and enforcement of standards, through CIW training of workers on their rights under the program, substantial interviews of workers conducted during social audits, and the complaint system. While the Fair Food Working Group (FFWG), comprised of CIW and FFP-participating

farms, can amend standards, the CIW's leveraging of buyers' power over the farms has meant that the Group operates by consensus, ensuring no changes to standards occur without the CIW's agreement (Asbed and Hitov 2017: FN103).

While having established substantial worker control over the Fair Food Program, the CIW faces risk of distance between leadership and rank-and-file workers as any other organization. As a community organization, the CIW does not have formal membership structure. The CIW and FFP have relied primarily on grants from private foundations, which provide the benefit of reasonably independent funding and carry the risk of unpredictable revenue as foundations change priorities. The two organizations have begun diversifying funding sources. CIW has negotiated buyer company payments for the service provided by the FFSC with two buying companies. The benefit is that these companies would begin to absorb the costs of compliance with the FFP standards; however, as CIW and the FFSC staff noted, they have to keep company payments for services under a threshold to mitigate the risk of companies gaining control over the program. In 2016, CIW introduced the FFP label on produce from participating farms sold in participating retailers, after conducting consumer surveys that indicated willingness to pay up to ten cents more for FFP tomatoes (CIW 15-16 December 2018). CIW also introduced the Fair Food Sustainer program, under which participants commit to monthly donations, which provides unrestricted funding. Not having a formal membership structure also means that there is not a formal mechanism for all workers covered by the FFP to vote, e.g. to ratify an agreement with a company or elect leaders. In addition to the mechanisms for worker participation in the FFP, the CIW works to ensure farmworkers' priorities guide the organization with its staff. The staff includes former farmworkers and advocates, from multiple countries, who speak multiple languages, and have a range of formal educational experiences.

Like the UFW and CIW, the FUJ leadership has led the development of the organization's praxis, and recognized and worked to mitigate the organizational risk of distance between leadership and rank-and-file members. Since established in 2013, the union's leaders have studied the traditions collective empowerment and direct worker control over production as practiced by groups such as the MST, and adapted them to the FUJ. The collectivism has been evident in the FUJ's use of consensus decision making (FUJ 2018). The leaders themselves have adapted. As the union's president reflected, "Once I started organizing I began to notice the children, the living conditions, all of this; it was a change of perspective, not overnight but over time began to change. My thinking has changed. Now I think about how to achieve benefits for everyone" (FUJ 6 December 2018). FUJ established a policy to limit pay of elected union officials to not exceed that of field workers. Describing the decision, Torres said, "We've worked hard to be a union that is not focused on our own money and after 15 years the workers are in the same conditions." He further described an inisistence against distance between leadership and rank-and-file members:

> *"How can you have a president with power to decide things for the workers who hasn't even done the work that they do. So that's something we're protecting a lot; we don't want anyone who doesn't work in the fields. It's when they negotiate contracts that are worthless. The union should be there for the people, because they are nothing without the people" (FUJ 2018).*

The UFW, CIW, and FUJ's leaders have been central to their success, in part due to their retention of a tight relationship between the workers and leaders. As delegates, they contributed

their own particular perspectives to the development of their organizational ideologies (Bourdieu 1991). Their strategic capacity (Ganz 2000) to translate diverse information into effective approaches to communications and actions was indispensable to the organizations' power-building processes (Gramsci 1971). With different strategies, influenced by their respective political contexts, the three farmworkers' organizations simultaneously mitigated the risk of workers' priorities being overwhelmed by organizational maintenance (Piven and Cloward 1977).

DISCUSSION

A New Common Sense in Agribusiness Labor Relations

Against the odds of overcoming the political power of U.S. agribusiness, the UFW, CIW and FUJ have demonstrated the possibility of establishing decent working conditions in the industry. This marks them as anomalies in an industry characterized by persistent violations of the most basic rights of modernity, such as freedom from physical assault, freedom to sell one's labor, and receipt of remuneration in exchange for labor. The UFW established labor law protections for all farmworkers in California, shrank the wage gap between agricultural and non-agricultural employment to less than 50% in the late 1970s (Martin 2003), and for fifty years has negotiated contracts providing higher remuneration and better benefits to union members. Notably, their gains established the real possibility of improvement in a sector of employment relations characterized by historical fixity. The CIW ended farm management's use of forced labor, sexual assault, and wage theft with impunity, and established the capacity to regulate sales

of agricultural products based on management's respect for labor standards at the farm. The achievement of dignity for farmworkers has also been highlighted by FUJ's members. FUJ shifted unilateral management control to shared governance at Sakuma, and in doing so sent ripples of labor empowerment through the surrounding agribusinesses. Together, the three organizations have established enforceable protections of human rights at work for 65,500 farmworkers - approximately 2.6% of the 2.5 million workers in U.S. agribusiness. Table 2 lists the major improvements achieved by all three of the organizations in their respective initiatives.

Table 2: Major Improvements to Terms and Conditions of Employment by the UFW, CIW and FUJ

• Freedom from forced labor and assault • Agrochemical exposure mitigation • Wage increases • Working hours regulations • Access to bathrooms & potable water at work	• Subcontracting regulation • Workers' rights education by workers' organizations • Grievance System • Worker-Manager Committees • Subcontracting regulation

Additional, particular improvements in the terms and conditions of employment achieved by the UFW, CIW and FUJ of course differ. In five decades, the UFW has also established a credit union, health care plan, life insurance, and pension system for union members, and developed sufficient political power to establish statewide collective bargaining rights for all farmworkers and heat-protection law for all outdoor workers. As unions, the UFW and FUJ have negotiated collective bargaining agreements that establish just-cause disciplinary procedures and access for union representatives to workers at the workplace. The CIW has negotiated binding agreements with buyers and established an effective non-union grievance remediation system.

By committing buyer companies to cease purchases with non-compliant farms and to transfer funds directly to workers – offsetting labor costs, the CIW agreements with buyer companies represent an extraordinary shift in structural power. The agreements shift the power of buying companies to set terms of purchase with the farms from functioning as a factor intensifying farms' interest in cheap labor to a factor moderating this interest. The FUJ's CBA with Sakuma Brothers also represents an extraordinary power shift in contemporary U.S. agribusiness. In the context of antagonistic federal immigration and agriculture labor policies and absence of state-level support, FUJ built and exerted associational and coalitional power to compel Sakuma to compromise.

From the perspective of the historical pattern of U.S. agribusiness, the three organizations' enduring improvements represent a shift from agriculture exceptionalism towards dignity in agribusiness employment. The achievement exposed the socially-constructed character of agribusiness's dependence on a denizen labor market. Employers facing the valorization challenge inherent in agribusiness and the pressures of a financialized, globally networked industry are respecting fundamental human rights of 65,500 farmworkers and continuing to profit. By demonstrating the viability of an industry that respects workers' rights, the three organizations have presented to U.S. society a new 'common sense' (Gramsci 1971). They illuminated paths from degrading to dignified labor in the sector.

Achieving Dignity: How UFW, CIW, and FUJ Shifted Consensus

Strikes, boycotts, and negotiations were all essential actions, yet the UFW, CIW, and FUJ succeeded by shifting the narrative from agribusiness exceptionalism to farmworker dignity.

They exposed the violations of modern norms that continue to characterize contemporary agribusiness and simultaneously presented the possibility of real alternative organizations of labor in the industry. In this process of hegemony shifting, they each proceeded through processes of internal recognition of a shared economic class interest and development of solidarity within and then among external alliances (Gramsci 1971: 180-182). They employed the communication tools of language and symbols (Bourdieu 1991) to make farmworkers visible, expose the overt and structural violence that passes with impunity in the sector, and to convince both farmworkers and diverse allies of the feasibility of a new consensus. To do so, they delegated authority to leaders among themselves, who facilitated the communication of the new consensus of anti-racism, 'food from us' instead of 'food from no one,' and human rights to replace denizen-ship. In this sense, symbolic power provided the basis on which they built associational power (Wright 2000), coalitional power (Brookes 2013), and institutional power (Gumbrell McCormick and Hyman 2013) in the dual forms of contracts and legislation. With symbolic power acting as a force enhancer, they contested agribusiness's otherwise overwhelming structural and political power.

The thread that ran through the work of the three farmworker organizations and strengthened their collective activities was deft use of symbolic power. For their practices of mutual aid, disruptive collective action, and alliance building, the UFW, CIW and FUJ can be described as social movements or categorized as forms of social movement unionism. They organized themselves, a disenfranchised people (Johnston 1994), at the community and even family level (Brecher and Costello 1998), practiced explicit anti-domination strategies, demanded economic, social and political changes (Barchiesi 2007; Greer 2008; Lier and Stokke 2006; Mrozowicki et.al. 2010; Serdar 2012), used direct actions (Nissen 2003), and to varying

degrees emphasized workers' participation in decision-making (Moody 1997: 277; Hirschsohn 2007; Camfield 2007). Furthermore, they all negotiated contracts, indicating the importance of bargaining to effective social-change organizations (Von Holdt 2002: 297; Engeman 2015: 456). Yet categorizing the three does not identify the mechanisms that made them effective.

The importance of symbolic power was evident in each stage of power building, beginning with internal associational power building. Prior to the UFW, several unions had used strikes and boycotts and achieved some, not enduring gains, including the AWOC, which merged with NFWA to form the UFW. That merger indicated a deliberate anti-racist approach that proved essential to the UFW's associational power. In Florida's tomato industry, several workers benefited from legal complaints, but it was the unification of the Guatemalan, Haitian and Mexican communities into the CIW that launched the series of disruptive activities that resulted in industry-wide protections for farmworkers. Before the FUJ, workers won concessions from Sakuma, for a season, yet remained divided until the unionization efforts that led to a CBA, which unified workers across ethnic categories. As observed in prior farmworker movements, farmworkers must create their own forms of protection (Jamieson 1945; Bronfenbrenner 1990; Kester 1997; Perea 2011). The UFW, CIW, and FUJ all used an anti-domination strategy to clarify shared class interests and forge solidarity among farmworkers. Their explicit anti-racism countered the historically constant of employers using racism to divide and increase control over farmworkers. Removing the wedge of racism not only reduces employers control but also increases workers associational power, *e.g.* the Japanese-Mexican Labor Association of the early 20th Century (Jamieson 1945; Mitchell 1973; Kester 1997; Kim 1999; Wells 2013). The UFW united Mexican- and Filipino-American workers, the CIW Mexican, Guatemalan and Haitian immigrant workers, and the FUJ united Triqui, Mixteco and mestizo immigrant workers. Like

their predecessors, this unity created unity and directed discontent towards capital, building labor's associational power.

The second dimension of associational power building common across the UFW, CIW and FUJ was their praxis of self-empowerment. In the UFW's history, CSO-style community organizing, movements for empowerment in the face of disenfranchisement – *e.g.* of Mahatma Gandhi in India and U.S. Civil Rights Movement, and even intentional self-autonomous communities all infused the organization with a commitment to empowering farmworkers to lead the change desired. The influence of popular education tradition of Latin America on CIW's founders continued to be evident years later in the commitment to a community-based organization and decision-making, expressed in their slogan 'We are all leaders.' The FUJ's commitment to consensus decision-making reflects the same popular education tradition, and its work to create the *Tierra y Libertad* cooperative while working for a CBA reflects that tradition's emphasis on cooperative economy as the counter conduct to the division and disempowerment that has been the norm in agribusiness labor relations.

The associational power developed internally was both tested and forged in strikes. For the UFW, strikes resulted in increased wages and union elections, CIW increased wages, and FUJ concessions subsequently retracted. In strikes, each first acted as a unified collective, reflected in the organization of worker participants, regulating their participation to avoid violence, and ending the actions. Such organizational discipline and the empowerment gained from achieving some concessions increased each organization's associational power. The limited gains echoed the experiences of predecessors, of whom the most successful were the Japanese farmworkers' 'quickie strikes' to raise wages in the 19th Century (Martin 2003: 59). None led directly to negotiations, deeper or enduring changes of employment relations. Their experiences

reflect the strike leverage (Katz *et.al.* 2016) of employers and workers in U.S. agribusiness. Labor can disrupt profitability of a farm by withholding labor during a harvest, their structural power (Wright 2000). Yet through the U.S. government's organization of a denizen labor market – undocumented workers without state protections and H-2A visa-holding workers with total dependence on the employer - employers can replace striking workers and rely on local authorities to prevent picket lines. By organizing a globally networked agribusiness industry, the multinational corporations that dominate inputs and outputs, on which farms depend, have relaxed the longstanding valuation challenge of investment in agriculture by diversifying their markets globally, so that a strike at a single farm has less impact on profitability.

In expanding activities beyond the farm, the three organizations demonstrated the strategic capacity (Ganz 2000) to translate information into effective collective action and built coalitional power (Brookes 2013). Expanded collective action depended on persuading non-farmworker members of society to become "conscience constituents" (McAdam *et.al.* 1996). To build alliances, the UFW, CIW, and FUJ all used effective language and symbols to communicate the messages that made farmworkers, the precarious conditions they endure, and the potential solutions all meaningful to non-farmworker communities. Significant demonstrations helped establish and sustain the alliances. UFW's marches from Delano to Sacramento in 1965 and 1994, its president's fasts against violence in 1968, 1972, and 1988; CIW's March Against Violence and subsequent fast against violence in 1997 and national Fair Food tours; and FUJ's tour to establish boycott committees and demonstration outside Driscoll headquarters all raised the public consciousness of their struggles. The messages at these actions helped to build a new social consensus. From its earliest public actions, the UFW used its iconic flag to convey the red violence in the field, white hope of change, and power in the black Aztec

eagle. CIW demonstrations has combined the dual messages of pervasive abuses of farmworkers and the concise demands of pay a 'penny per pound' and 'join the Fair Food Program' to agribusinesses. The FUJ's messaging during its boycott included slogans "bleeding workers for YOUR berries" juxtaposed with "*campesino* [peasant] power." Their messaging of empowerment to realize the improvements desired is directed towards both farmworkers and potential allies in the public, with the effect of making visible both the reality suffered and the possibility of change led by farmworkers.

By expanding our gaze from production to circulation, we observed the changing contexts in which the UFW, CIW, and FUJ worked, including the increasing importance of symbolic power. Already in the 1960s the UFW recognized that their struggle would not be won in the fields and developed the most successful boycott in history. Like CIW and FUJ boycotts thereafter, the UFW boycott increased associational power by building alliances across society and structural power by expanding disruptive capacity from production to sales. All three developed boycott committees and alliances with social activists beyond the workplace and across the country. In all cases, the boycotts demonstrated their power by threatening both sales and the legitimacy of the companies concerned. The UFW's impact on grape sales makes it perhaps the most successful boycott in U.S. history; however, the first companies to negotiate were not those most dependent on grape sales, but instead their reputation as multinational brands purveying primarily alcoholic beverages. By 1979, the global restructuring and financialization of agribusiness had advanced to the degree that a UFW strike of vegetable farms raised wages and increased the farm revenues, bolstering employers capacity to resist future concessions (Martin 2003). By the time

CIW launched its first campaigns against fast-food companies, it was the CIW's capacity to tarnish the corporate brands that brought them to sign agreements and signaled to companies like Wal-Mart that signing up for FFP before a boycott would be worthwhile. Given the significance of Sakuma as one of Driscoll's primary berry suppliers, the material impact of FUJ's boycott may have been significant; however, brand protection likely also played a role. In all three cases, the companies over which the workers gained sufficient leverage to negotiate improvements to their employment relates were large companies, with substantial total power and significant investment in the legitimacy of their brand.

Having built the associational and coalitional power to act as a unified collective and discipline capital, the three organizations began to institutionalize their influence over employment relations. All three negotiated and enforced standards at work through binding contracts. The UFW and CIW first leveraged the associational power of employers, convincing the first-to-concede growers to bring a critical mass of their industry peers to the bargaining table. The CIW also uses prosecutions of slavery cases and harnessed the market power of buyers to enforce standards, including the direct payment of a wage premium from the MNC buyer to the worker employed at its supplier. The FUJ leveraged the limited buyers (two) from the employer to convince management to negotiate. To enforce labor standards negotiated, the three have also effectively used complaint resolution systems. UFW and FUJ have used 4-step grievance systems typical of U.S. CBAs, and the CIW has used the FFSC-managed system and demonstrated its effectiveness. All three have established arbitration as the final step to resolve grievances. In addition to specific grievances, each established a means for workers to effectively monitor standards at their workplaces. The UFW established union committees. As a smaller union, FUJ leadership has regularly met with workers under its CBA and members

without CBAs. The CIW established the FFSC-managed auditing system, which has demonstrated effectiveness by appropriately suspending employers for violating standards. Through problem solving, all three have also developed a degree of integrative bargaining (Walton and McKersie 1965), or positive class compromise (Wright 2000) with employers. From year one to two, FUJ's relationship with Sakuma shifted from adversarial to integrative, with management and the union communicating almost daily to prevent and resolve issues. After initial resistance, some agribusinesses in the Fair Food Program communicated to CIW the business benefits they gained through participation. Another illustration was UFW's health-care program, which, while a challenge to sustain, has also proven cost savings to employers as health-care costs continue to grow.

Drawing on the other main source of institutional power, government regulation (Gumbrell McCormick and Hyman 2003), the three organizations varied according to their political contexts. Politically, their influence over policymakers was dwarfed by that of agribusiness. Nevertheless, the UFW exercised its associational and coalitional power to help enact the ALRA, compelling the state of California to protect farmworkers' collective bargaining rights. Decades later, the UFW again mobilized its members and allies to help add mandatory interest arbitration to the ALRA, pass overtime regulations for agriculture workers, and enact the heat-protection law for all outdoor workers. Despite its adversarial political context, the CIW exercised its associational power to investigate slavery cases and thus build relations with local state actors. FUJ drew on its associational and coalitional power to press for application of H-2A regulations limiting employers' access to new workers while workers are available. In all of their respective engagements of state actors, the three organizations conveyed the same messages of the unacceptability of farmworkers' denizen status and possibility of protecting their rights.

The importance of symbolic power in the internal and external activities of the UFW, CIW, and FUJ underscored the essentiality of effective leadership. The capacity of leaders within each organization to facilitate the development of communications effective enough to persuade farmworkers, non-farmworker citizen-consumers, and company and state actors functioned as the vehicle for building power resources. The UFW first built associational power in farmworkers' housing communities, and its internal deliberation produced the effective strategies that led to negotiations with employers (Ganz 2000). Critical analyses of the union in the late 1970s and early 1980s highlighted increased distance from farmworkers' communities and reduced internal deliberation (Garcia 2013; Flores 2016). While the UFW then and since continued to achieve improvements for farmworkers, these accounts identify the risk to all organizations of political fetishism (Bourdieu 1991). Distance, concrete or perceived, between the representatives and represented risks weakening solidarity and thus associational power.

The UFW, CIW, and FUJ have all worked to mitigate this risk of weakened associational power from distance between leadership and workers' represented. The UFW continues community organizing, elections of union leaders, ratifications of CBAs, and union committees at each unionized farm. The FUJ, also a union, similarly uses elections of leaders, ratification of CBAs, and presence at workplaces to align leaders and represented workers. The inaugural FUJ leadership has deliberately inscribed democratic practice within the union to ensure such praxis outlives its tenure. The CIW adopted a community organizational structure in part out of its founders' experiences with unions with leaders sharply distanced from members and has sustained a deliberative community decision-making process. In developing the Fair Food Program, the CIW embedded worker agency into the standard-setting, monitoring, and complaint mechanisms. As it expands the FFP to cover workers who cannot attend meetings at CIW

headquarters in Immokalee, the CIW may find that additional mechanisms will retain the tight alignment leaders and covered workers. To each organization's advantage, the internal alignment of workers and leaders' interests is within their control.

The UFW, CIW, and FUJ have achieved unprecedented progress in shifting the social consensus from accepting a denizen labor market to demanding a dignified labor in U.S. agribusiness. Together, their binding contractual agreements cover 2.6% of the workers in the sector. The processes that led to the creation and have sustained a denizen labor market for U.S. agribusiness continue. The majority of current workers covered by the initiatives of UFW, CIW and FUJ are undocumented immigrants who left home communities where livelihood opportunities were eliminated and no alternatives created. Every current and former farmworker interviewed at the three organizations in the course of this study migrated to the United States from such a community. Every farmworker interviewed from Mexico cited in particular the elimination of small-holder agriculture livelihoods during the reforms around NAFTA. Increased use of the H-2A program in recent years presents a challenge to farmworkers' associational power. Under H-2A, there is nothing that prevents an employer from retaliating against workers for participating in collective action by not rehiring them for a subsequent season. The freedom of to sell labor to an employer of their choosing is what distinguishes the undocumented from the visa-holding workers in the industry. The pressures of a global, financialized agribusiness sector on farms to squeeze value out of labor appear to be increasing, not ebbing. To shift more of the agribusiness labor market from denizen to rights-based employment relations, perhaps the most significant change in the activities of farmworkers organizations would be deliberate inter-organizational collaboration.

CONCLUSION

This thesis's central contention is that use of symbolic power enables precarious workers to gain employers' respect for their labor rights by serving as the catalyst in a power-resource building process that starts with associational power, then coalitional power, and only with adequate development of these first two resources, the establishment of institutional power. Among themselves, precarious workers use language and symbols to remove divisions and forge unity around a common expectation that they will collectively improve their situation. While symbolic power is necessary to unite, collective action forges workers associational power, realizing their capacity to act as a unified group and influence employers by disrupting the production process. Given employer capacity to withstand strikes by precarious workers, the workers necessarily form alliances by conveying compelling narratives of their struggle as progress towards a society based on fair treatment. In building coalitions, symbolic power is also necessary and insufficient. The workers and their allies solidify their coalitional power through collective action, demonstrating their capacity to influence employers by disrupting the circulation process. Building sufficient associational and coalitional power re-positions precarious workers to consolidate their influence institutionally, in enforceable workplace standards expressed in agreements with employers. In viable political contexts, they may also advocate for supportive laws. At each stage of the power-building process, symbolic power serves as the catalyst, sharpening the tactics of economic disruption and economic and political compromise to improve employment relations.

This model of power building by precarious workers emerged from studying three farmworker organizations' strategies to improve terms and conditions of their employment. To

understand employment relations involving precarious workers, there are both theoretical and empirical reasons to focus on agribusiness.

Theoretically, agribusiness is distinct from other economic sectors due to the tightly imbricated interests of the state and employers in low labor costs in the sector. Farm owners face a valuation challenge due to the limits of human control over nature in the production process. Production, labor demand, and sales are spatially and temporally disconnected processes, reducing control over the production and circulation processes (Mann and Dickinson 1978). These impediments to obtaining profit from investment in agriculture present farmworkers with some structural power – valuation can be disrupted with a strategically timed strike or boycott. Farm owners seek to mitigate these risks by seeking control over labor. States assist agribusiness in establishing a high degree of labor control because of their own interests in national economic growth and political support (Kautsky 1899/1988). Agribusiness contributes economically its own capital and by providing cheap food that facilitates lower labor costs and thus higher capital accumulation in other sectors. Due to its reliance on state support, agribusiness in return supports the national state, reciprocity that does not characterize diffusely organized food production systems, *e.g.* peasant production (Chayanov 1924/1986). The particularly strong state-capital alliance forms the basis for the U.S. doctrine of 'agricultural exceptionalism' (Schell 2002).

Empirically, the U.S. government has assisted the profitability of its national agribusiness industry by arranging concentrations of capital in land, input and output markets; supporting crop specialization; and organizing a labor market that provides farm employers extraordinary control. According to the 2017 USDA Census of Agriculture, 4% of farms account for two-thirds of production. Larger farms could indicate higher total power, increasing potential for employer-worker compromise. However, a large farm's market share is relative to other farms, while its

position in the agribusiness industry as a whole is in relation to much larger companies supplying seeds and agrochemicals on the input side and companies buying and marketing products on the output side. In Alfred Marshall's (1920/1961) terms, demand for labor at farms in U.S. agribusiness is price elastic. Labor may be a lower cost of production relative to other factors,[48] yet the low labor cost ratio does not serve as a source of power because the farm owner faces price elastic supply of inputs and demand for its final product (Freeman 1979: 67-71). U.S. farmworkers' strike leverage is further limited by their lack of alternative sources of income. Average household incomes are low (USDOL 2016). The vast majority are immigrant workers, of whom those with H-2A visas are tied to a single employer, while undocumented farmworkers present legal risk to potential employers. Employers have historically divided farmworkers racially and by gender, reducing their solidarity. Additionally, for the majority immigrant farmworkers, employment in U.S. agribusiness is the option given the lack of livelihoods in their home countries, a reality that moderates anger towards management. Furthermore, farmworkers are more replaceable than workers in most of the U.S. economy due to their denizen status.

The denizen status, or lack of rights protections, of U.S. farmworkers results from government policies and practices that have excluded farmworkers from legal protections, permitted and participated in violence towards farmworkers, and denied their political rights. The legal policies involved include exclusions, from the NLRA and other labor laws, and under-enforcement, of labor and occupational safety and health laws and physical assault prohibitions. Violence towards farmworkers has included direct state action, *e.g.* the presidency supporting violence against UFW picket lines in the 1970s, and inaction, *e.g.* the current estimates of 80% of female farmworkers having experienced sexual abuse at work with negligible law

[48] For example, the USDA Census of Agriculture indicates costs of land and chemicals are the fastest growing expenditures.

enforcement response. It also includes the structural violence (Holmes 2013) of immiserating wages[49] and non-regulation of toxic chemicals.[50] The third dimension of denizen status is the result of U.S. immigration policy, which denies political rights to immigrant workers, the majority of workers in U.S. agribusiness. The combination of these factors has thus led legal scholars to characterize labor in U.S. agribusiness as 'unfree' (Miles 1987; Hahamovitch 2011; Strauss 2012; Clark 2016; Dias-Abey 2018). That is, the vast majority work under menace of penalties, the ILO standard for forced labor: lack of livelihood if they do not emigrate from their home community, constant threat of deportation, and lack of access to redress.

Thus, while many workers have limited structural power, *e.g.* many U.S. public-sectors workers lack strike rights, the confluence of economic, political and social factors marginalizing farmworkers places them in an extraordinarily weak bargaining position relative to their employers. Politically, they work in an industry whose interest in labor control is shared by the state. Economically, they face elastic demand for their labor and a loose labor market, even while strikes offer a potential power-building tactic. Socially, they are isolated, even while boycotts offer another potential tactic. How, then, might farmworkers improve terms and conditions of their employment is the question that this study sought to address. The United Farm Workers (UFW), Coalition of Immokalee Workers (CIW), and Familias Unidas por la Justicia (FUJ) provided cases to reveal (Yin 2009) what enabled success in contrast to a history of unsuccessful farmworkers' initiatives. The explication of the three cases builds on power-resources literature, which emerged out of observations of workers responding to increasingly precarious

[49] For example, average hourly wage rates were $9.31 in 2016 (USDOL 2016) compared to inflation-adjusted $19 rate paid under 1970 UFW contracts (UFW November 2018).

[50] For example, the Environmental Protection Agency's stated its intention to continue permitting use of chlorpyrifos, an organophosphate pesticide linked to neuro-developmental damage in children and used in strawberries, apples, citrus, broccoli, corn and other crops, after the 9th Circuit Court of Appeals repeatedly recommended its ban due to undisputed findings that it's unsafe for the public, particularly farmworkers & their children (EarthJustice 2019).

employment and union revitalization efforts (Schmalz and Dörre 2017). While this literature provides conceptual categories of power, less clear is its theory of change, how workers, particularly those whose starting point is disempowerment, build power resources. The cases that I studied illuminated the role of symbolic power as a power-building catalyst in a sequential process of building power resources.

The first finding revealed by the three cases was the role of symbolic power. Pierre Bourdieu (1991; 2000) developed the analytic of symbolic power with examples in politics, arguing that effective use of symbols creates the capacity "to impose the legitimate vision of the social world...and the direction in which it is going and should go" (Bourdieu 2000: 185). Jennifer Chun (2009) adapted the concept to employment relations, to describe the use of symbolism from prior social movements by marginalized workers in South Korea and the United States to challenge institutional exclusion in struggles for recognition and redistribution. As Chun (2009: 4) argued, messages conveyed in language and symbols can persuade people to revalue people in society who have been devalued, thus "reconfiguring the hierarchies that underpin and reproduce relations of economic domination and subordination." In studying the UFW, CIW, and FUJ, the role of symbolic power was evident as the means by which farmworkers built associational and coalitional power.

In each case, workers' starting point was as disempowered denizens. They began to rebalance bargaining power relative to their employers first by unifying around the dual narratives of anti-domination and collective empowerment. To remove the wedges that divided them and develop a sense of empowerment as a collective, each group of workers drew on the language and symbols of resistance praxis, *i.e.* the necessity of people working *with* each other not *for* another (Freire 1970). The UFW united Mexican and Filipino workers, the CIW Haitian,

Guatemalan and Mexican immigrant workers, and FUJ members of the Triqui and Mixteco indigenous communities along with other immigrant workers from Mexico with mestizo heritage. Leaders of all three organizations emphasized community organizing and deliberate development of their organizations' perceived instrumentality among workers in their communities. By rejecting divisions and creating a sense of collective power, the three organizations established the expectation of success among increasing numbers of participating workers. Where Chun assigned symbolic power the role of strengthening associational power, the cases of UFW, CIW and FUJ suggest its constitutive role. Symbolic power was the means by which the workers developed associational power, the "intermediation" step of power-resource mobilization (Lévesque and Murray 2010). Collective action then functioned as the forge for strengthening this foundational power resource.

The UFW, CIW, and FUJ all first exercised their associational power through strikes, collective actions that did not achieve their goals but strengthened their associational power. While in some cases the three organizations increased wages, their strikes did not result in enforceable workplace standards. At this stage, they had developed sufficient associational power to act in unison but not sufficient to persuade employers to compromise (Wright 2000). As Wright's (2000) conceptual framework of class compromise predicted, employers resisted, and workers escalated their tactics. How they proceeded suggested that they learned from the strikes, demonstrating capacity for processing and acting on diverse information, a characteristic of successful workers' organizations (Ganz 2000; Lévesque and Murray 2010).

In all three cases, the farmworkers' organizations expanded tactics to boycotts and corporate campaigns by exercising symbolic power to make their struggle visible and compelling to the broader society. The UFW, CIW, and FUJ marched, fasted, and organized boycotts to

engage and involve non-farmworkers in their struggle. To do so, they drew on the language and themes of prior, successful social movements, the use of symbolic power emphasized by Chun (2009). The farmworkers referenced the Civil Rights movement, Gandhi's nonviolence strategy, Christian, indigenous and revolutionary themes to highlight the injustices they experienced and establish public narratives that their working conditions were unfair. In this sense, they framed their struggle with a strategic discourse that placed it in a larger context (Lévesque and Murray 2010). They simultaneously presented proactive demands towards the companies concerned – to sign agreements establishing enforceable workplace standards. The immediate outcome was the development of their second foundational power resource, coalitional power, *i.e.* networks of social actors pursuing common goals (Frege *et.al*. 2004; Turner 2006; Lévesque and Murray 2010; Brookes 2013). With adequate associational and coalitional power, the UFW, CIW and FUJ signed agreements with employers that established enforceable employment standards.

The UFW, CIW, and FUJ all built institutional power in the form of employer cooperation (Gumbrell McCormick and Hyman 2013). The CBAs of the UFW and FUJ and Fair-Food Program agreements of CIW represent legally-enforceable agreements to employment terms and conditions agreed to by the farmworkers. Characteristic of institutional power, the agreements entailed an exchange. Employers committed to comply with worker-agreed terms and conditions of employment in exchange for workers restricting their collective action to use of the contractually-established grievance systems in lieu of strikes and boycotts. The three organizations first signed such agreements with farm owners with large market share, indicating that total power mattered at the workplace level. Yet all three had to engage in secondary boycotts to achieve the agreements, reflecting the concentration of power in the supply chain in companies buying from the farms. In this sense, their combination of strikes and boycotts

exemplifies what Lévesque and Murray (2010) described as "articulation," linking activities at multiple, relevant levels, in this case across the agribusiness value network. The enforceable agreements also demonstrated the contested nature of structural power in the sector. The industry's dependence on production in proximity to sales markets overwhelmed its habituated reliance on replaceable, denizen labor, and resulted in farms and buying companies conceding to workers' demands. While their associational and coalitional power proved sufficient to achieve compromises with the industry, the three farmworkers organizations were less uniformly successful in the political sphere.

Although the primary narrative emerging from the comparison of the three farmworkers organizations was a common process of power building, sub-national political variation influenced their strategies, as found in other within-industry comparisons (Locke 1989). State-derived institutional power building was only feasible in the state of California. The UFW began in the late 1960s, as some politicians supported their cause as part of the Civil Rights Movement. The union effectively used the fissure between state and agribusiness to establish legal collective bargaining and retain legal use of secondary boycotts in California. When the state-level politics presented opportunities, the UFW continued to exert political power, as it did in establishing mandatory mediation and the heat-protection law in recent years. In contrast, the legacy of labor control regimes including slavery remained evident in Florida and the Southeast, where the CIW encountered an adversarial state tightly allied with the agribusinesses concerned. The CIW's facilitation of prosecutions of slavery indicated a potential shift in the state's orientation to farmworkers, which has yet to materialize in new laws or increased enforcement of existing laws by government actors. In the case of FUJ, the state of Washington acted neutrally towards the union, and some local, unionized officials expressed solidarity with the workers during their

unionization campaign. However, the state has maintained the doctrine of agricultural exceptionalism. The variation in political power also affected the organizations' structures and strategies.

Reflecting the political economy in which they operate, the UFW, CIW, and FUJ differ in their organizational structures. All three have recognized the importance of leadership and mitigating the risk faced by all organizations that leaders' priorities overwhelm the needs and priorities of people they represent (Gramsci 1971; Piven and Cloward 1977; Bourdieu 1991). While its legislative achievements have affected the most farmworkers in California, the UFW has negotiated union contracts with farms. The union works to ensure it represents workers' interests through its involvement in farmworkers' communities, internal deliberation, union committees at farms, and elections. In the last decade, the UFW recognized that collective bargaining in agribusiness had not expanded, and joined the multi-stakeholder Equitable Food Initiative (EFI). While clearly interested in harnessing power in a global, networked industry, it remains unclear that EFI includes mechanisms to credibly threaten and impose sanctions on companies for noncompliance, distribute capital across the supply chain from retailers to workers, and facilitate independent worker voice. While the EFI is independent of the UFW, the union could consider adding to the initiative mechanisms that have worked for the CIW's Fair Food Program.

The CIW's FFP has a uniquely effective track record among private-regulation models, because it requires companies to sign binding agreements stipulating alignment of buyers' purchasing practices with labor-standard compliance by suppliers, distributes value across the chain from retailers to workers, and ensures workers lead monitoring and complaint resolution processes. The FFP also capitalizes on the valuation dynamics of the tomato industry of Florida,

a built landscape (Mitchell 2012) in which the state and capital have invested heavily, creating the supply that fast-food, grocery, and food-service industries have come to rely on. These buyers have some flexibility, demonstrated by fast-food franchise Wendy's switching to tomato suppliers in Mexico, then to greenhouses, yet they are much more dependent on proximity to market due than other industries, *e.g.* apparel. The subnational political context has also shaped CIW's strategy. The CIW began with strikes and demands for direct negotiations with employers, yet established itself as a community-based organization instead of a trade union. The organizational choice reflected the tendency of aggressive worker-control in the Southeast, where the sediment of slavery remains and union density is among the lowest in the country. As a community-based organization, CIW works to ensure it prioritizes workers' needs through its involvement in their communities; use of popular education at weekly meetings, for standard development and annual trainings for FFP-covered workers; emphasis on workers' perspectives in monitoring; and effective complaint system. The challenges of a non-membership organization include sustaining the high level of workers' control over decision-making and funding, which add to the CIW's associational power and therefore its effectiveness. As CIW continues to expand the FFP, it would thus not be surprising if CIW developed membership. An alternative that some CIW participants indicated could be the organization of regional centers following the CIW center in Immokalee as a model, a location for workers to meet, deliberate, strategize, and develop crop- and region-specific standards.

In its comparatively shorter history, the FUJ organized as a trade union, a decision made by the families who work at Sakuma after management reneged on verbal agreements with the workers and consultation with a local labor-advocacy NGO with knowledge of collective bargaining. Like the CIW's use of the tomato industry structure, FUJ used to its advantage the

berry industry's investment in production in the state of Washington, which accounts for 42% of national raspberry production, and their specific employer's specialization. For example, during the FUJ-led boycott of the employer and its two buyers, the employer had difficulty finding new buyers. While this particular position in the berry supply chain has supported FUJ's success with bilateral collective bargaining, its employer and the buying companies involved have some flexibility, *e.g.* to shift production to Mexico for sales in the North American market. Over time, it would not be surprising if the union sought coordinated agreements with their employer(s) and the buyers. Buyer agreements stipulating volume, price points, and other purchasing practices could thus support negotiations with the employers. Notably, however, FUJ expanded its strategy not on mechanisms to harness the full supply chain and instead on creating alternative livelihoods to wage labor, with the development of the *Tierra y Libertad* workers cooperative. Still in its early stages, the cooperative will have to contend with the tension of operating according to its values while interacting with entities fully within the profit-motivated local and macro-economy.

In conclusion, this thesis has developed employment relations power-resource theory in response to the question of how precarious workers improve working conditions. Focusing on workers in agribusiness offered lessons from extraordinarily precarious workers. While many face exclusions from certain labor laws, *e.g.* regulations of U.S. public-sector workers' collective bargaining, the combined effects of labor policies, exposure to violence, and immigration policies position workers in U.S. agribusiness in particularly uncertain and unpredictable employment relations. Having emerged from studies of precarious workers and union revitalization, the power-resources literature offered conceptual categories of power. To them, this study added the analytic of symbolic power to clarify the mechanism of action in building

power left opaque in the literature. From studying the cases of the UFW, CIW, and FUJ, I have argued that the symbolic power played a more fundamental role than previously considered (Chun 2009), specifically as the means by which precarious workers build associational and coalitional power. Additionally, the cases suggested a sequence to power-resource building, specifically that building associational and coalitional power were necessary steps prior to developing institutional power.

While the use of symbolic power and sequential power-building were common across the three cases, comparing them also exposed the importance of sub-national differences of political context. Whereas political opportunities in California and relatively neutral state in Washington influenced the UFW and FUJ development as unions, the adversarial context for labor in Florida and the Southeast region influenced the CIW's development as a non-membership organization. This barrier to union collective bargaining may have also contributed to the CIW developing triangular agreements with companies involved in both production and product purchasing and marketing, a strategy that mitigates pressures on labor in production.

The power-resource building model developed in this study implies that workers must be their own protagonists to influence employment relations, and adapt their strategies according to characteristics of the industry and politics in which they work. If the experiences of the UFW, CIW, and FUJ are not entirely unique, they suggest that change at the workplace starts with associational power, which can be developed by identifying and replacing socially-constructed divisions with the expectation of improvement through collective action. They also indicate that structural power is contestable, yet requires expanding tactics beyond the workplace to build coalitions, an expansion facilitated by effective use of symbolic power. Only with adequate associational and coalitional power are precarious workers likely to establish institutional power,

prioritizing employers or the state according to their context. This model underscores the importance of education, which others have highlighted as central to effective mitigation of global pressures on labor (Croucher and Cotton 2009). In the cases studied, deliberation on the dynamics they confronted and potential counter-strategies enabled the three organizations to develop their vision of society in communications compelling enough to gain crucial allies. Internal education also supported each organization by sustaining workers' meaningful participation in decision-making processes, thereby mitigating the potential risk of disconnected a leadership undermining associational power. Additionally, the trajectories of the employment relations in each case corroborated the theory that employers can benefit from compromising with workers, implying an opportunity for employers, at least in U.S. agribusiness, to gain a stable, skilled workforce and avoid disruptions. Nevertheless, the shift from agriculture exceptionalism to rights-based employment remains a long-term challenge, dependent on farmworkers' organization.

If the state is to increase protections for labor in U.S. agribusiness, it appears that farmworkers will need to mobilize greater political power. At the federal level, there is no indication of expanding protections of labor rights in the agribusiness industry. Tacking in the other direction, in 2018 the Occupational Safety and Health Administration (OSHA) had record low inspectors, reduced its activity, and stopped issuing public statements of the few enforcement actions it has taken, which supports deterrence (Berkowitz 2019). Meanwhile, the Environmental Protection Agency (EPA) has delayed pesticide regulations despite court orders (Earthjustice 2019). At the state level, ten states provide a degree of statutory protection of collective bargaining, although all but California exclude many farmworkers and limit

bargaining power.[51] In 2019 Washington State established an office to process H-2A applications from employers and complaints, and an advisory committee comprised of industry, labor and state representatives, but stopped short of farmworkers' proposals for unannounced inspections of farms with H-2A workers and industry funding of oversight. However, increased use of undocumented and visa-holding immigrant workers in the industry means employers' ability to replace workers will continue to depress labor standards.

Beyond U.S. agriculture, the model developed in this study implies methodological guidelines for workers in precarious employment relations generally. Workers in sectors considered 'informal,' employed by labor contractors, and others without access to remediation in case of violations of internationally-recognized labor rights share in common with U.S. agriculture workers limited structural and political power. In some cases, workers are socially isolated, often along racial and gender lines, like farmworkers, *e.g.* domestic workers. In others, the roles of employer and state are ambiguous, *e.g.* public-sector workers, affecting strategies for institutional power-building. In all cases of precarious employment, workers face the challenge of shifting the social consensus around their value in society.

There are multiple paths for further research. One is to develop the concept of internal use of symbolic power. FUJ's members are not only from different communities, but from communities with ongoing histories of armed conflict between them. Many of the FUJ members are regularly reminded of these conflicts, when they return to their home communities between

[51] Arizona, California, Idaho, Kansas, and Maine have separate labor laws for agriculture, and Louisiana, Massachusetts, Nebraska, Oregon, and Wisconsin include agriculture in general labor laws on collective bargaining. Except California, all exclude employees of independent contractors among other employees, and most include a minimum number of employees – which particularly affects low-workforce sectors such as dairy. Only three permit strikes. As of May 2019, the New York legislature was considering the Farm Worker Fair Labor Practices. Versions of it have been considered for 80 years. If enacted, the FFLPA would establish overtime pay rates after 40 hours per week, collective bargaining rights, regular health and safety inspections of all farmworker housing, unemployment and workers' compensation insurances regards of farm size; thereby leading some employers to improve conditions to avoid unionization and others to engage in collective bargaining.

agricultural seasons; therefore, how FUJ has united the workers from these groups offers potential insights into the concept of class formation. The 35,000 workers covered by the CIW have maintained a unified public message of support for the FFP. The example of replication of the FFP model is the Milk With Dignity program in Vermont, where the political context is at least superficially more favorable to unions than Florida, yet the dairy workers have implemented the non-union model. Comparing the FFP and Milk With Dignity could provide insights into both the use of symbolic power to develop an internal consensus around the model, and the role of political contexts. Another approach would be to expand to other farmworker organizations, *e.g.* Farm Labor Organizing Committee (FLOC), Alianza Agricola, or PCUN. Extending the study of farmworker strategies outside the United States, I could compare the U.S. cases with farmworkers in countries where national laws cover collective bargaining rights and political rights of the citizens who comprise the workforce. Another approach would be to focus on the impacts of the financialized and networked character of global agribusiness on employment relations. The more extensively commodified sectors of palm oil, sugar, or bananas may be most appropriate for such a focus.

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